

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.

ROLL CALL

Present - Thomas McKee Ronald Milkowski
 Bernard Cryan Brian Wunder

Absent- Patricia Schriver

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

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of December 18, 2013

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of December 18, 2013. AYES: McKee, Milkowski, Cryan ABSTAIN: Wunder

Minutes of the Executive Session of December 18, 2013

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of December 18, 2013. AYES: McKee, Milkowski, Cryan ABSTAIN: Wunder

PUBLIC COMMENTS – for agenda items only.

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

No comments from the public.

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

RESOLUTION

Resolution No. 20-2014 – Refund for Overpayment of Taxes

Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 20-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 20-2014

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
LEBANON TOWNSHIP**

WHEREAS, the Lebanon Township Committee has a need to acquire professional services as outlined below as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Lebanon Township CFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended as approved by the Lebanon Township Committee; and

WHEREAS, the following agencies have completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Lebanon in the previous one year, and that the contract will prohibit the agency from making any portable contribution through the term of the contract; and

WHEREAS, sufficient funds are available in the 2014 Temporary Budget and will be made available in the 2014 Municipal Budget for the Township of Lebanon as required in – N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Lebanon Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

The Mayor and Municipal Clerk are hereby authorized and directed to executive contract with the following person for the year 2014:

1. Darren Vogel is hereby appointed as Environmental Engineer/Licensed Site Remediation Professional for the 2014 year.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the January 22, 2014 issue of the Hunterdon Review.

OLD BUSINESS

Office of Emergency Management – Ordinance

Mr. Wunder stated that the Committee has a request from the OEM Coordinator for two volunteers to be appointed as Deputy OEM Coordinators. Mr. Wunder asked the Committee to authorize Attorney Cushing to draft an OEM Ordinance sanctioning the appointments of Deputy Coordinators.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee directed Attorney Cushing to draft an OEM Ordinance for the Committee's consideration.

Lease Agreement for Squad Building

Mr. Milkowski asked what the status is of the Lease Agreement for the Squad building. Mr. Cryan stated that the Lease Agreement is 98% written; however, there is one item that needs to be discussed. Mr. Cryan, Ms. Schriver and Attorney Cushing need to meet to discuss the item and will hopefully do so prior to the next meeting.

Committee Email Addresses

Mr. Milkowski stated that a while back the Committee had discussed establishing Township Committee email accounts to avoid having to use their personal accounts. Mayor McKee stated that he agrees with Mr. Milkowski's suggestion. The Clerk will look into possible email account options.

NEW BUSINESS

Junkyard License Renewal – A.S. Milkowski & Sons

Motion by Mr. Wunder, seconded by Mayor McKee and carried by favorable roll call vote, the Township Committee approved a Junkyard License for – A.S. Milkowski & Sons. Ayes: McKee, Wunder, Cryan Abstain: Milkowski

Architect Keith Chambers Correspondence - DPW Garage Building Problems

Mayor McKee stated that a letter was received from Architect Keith Chambers regarding issues with drainage in the mechanics bays. Mayor McKee read the letter aloud. Mr. Cryan stated that the drain is above the floor level and water runs away from the drain and into the break room. It also pools up under the tire machines and the oil separator. Mr. Cryan also noted that the drawings do call for the floor to be level. Mr. Cryan stated that given Keith Chambers explanation as to the purpose of the drain, unless there is someone there with a squeegee, transmission fluid, hydraulic fluid or coolant will run into the break room. Mr. Cryan stated that this is an issue that needs to be looked into. The floor is also starting to settle in some areas, significantly, and cracks are beginning to develop along the base of the walls and the doorways. Mr. Cryan noted that in addition one doorway has a significant drop in elevation. Mr.

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Cryan stated that based on what he saw he feels that the Architect's thoughts, that the floor and drain are the way they are supposed to be, are difficult to accept. Mr. Cryan feels that it is an unsafe situation and the Committee needs to address it. Mr. Cryan is looking for input from another engineer, for possible solutions, as this will be a constant problem if not corrected. Mayor McKee stated that he spoke to the DPW Manager and discussed having the Township Engineer conduct an evaluation of the floor. Mr. Wunder recommended having an experienced mason look at the building. Mayor McKee suggested waiting to see what the comments are of the Township Engineer. Mr. Milkowski stated that the issue of the floor not being level was brought to the attention of the builder and the architect long before the building was built. Mr. Milkowski was advised, at that time, that they would be addressing the issue and correcting it. The settling was brought to their attention also and the thought was that it was possibly shrinkage cracks and that there will be no more settling. Mr. Milkowski stated that when the building was being constructed the Township did have a Clerk of the Works to oversee the project. The Clerk of the Works was one of the architect's employees.

Proposals - Animal Control Officer

Mayor McKee stated that the Committee has proposals from Kim Bennett Animal Control Services and Animal Control Solutions LLC. for consideration. Mr. Milkowski stated that the Kim Bennett spoke with the Deputy Clerk and the Clerk. The facility they use for holding the animals, Common Sense for Animals, is a no kill facility. The price quoted is \$200 per month with a \$500 retainer fee. If an animal is picked up the cost is \$150. Boarding costs are \$20 per day for seven days. On the eighth day the animal becomes available for adoption with a \$20 adoption fee. Mr. Milkowski stated that even in a worst case scenario, Kim Bennett's proposal will be a savings to the Township, however; the most important factor to him is that it is a no kill shelter. The proposal from Animal Control Solutions was considerably more annually.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved entering into an agreement with Kim Bennett Animal Control Services for the 2014 year as outlined in the Animal Control Services Contract.

Mike Stoller - EMEX Power Savings, Simplified

Mayor McKee stated that he spoke to Mike Stoller of EMEX Power Savings who helps municipalities save on energy costs. The company will come into the Township to analyze the electric consumption and the electric costs for the municipal facilities. The company works with the community, at no charge, to analyze the current electric situation. The company will then conduct a reverse bid which can be watched live. The bidders do not know who else is bidding and there is no obligation to the Township. The Township can then purchase an energy allotment at a reduced rate. Some towns have seen 30% savings. Mayor McKee stated that the bid price will be good for two years. Mr. Cryan stated that he saw the presentation for a reverse bid and felt that it was very impressive. Mr. Cryan suggested inviting Mr. Stoller to a meeting to answer any questions directly. Mayor McKee will invite Mr. Stoller to come to a meeting.

DPW Manager – Municipal Office Boiler Replacement

DPW Manager Warren Gabriel sent a letter to the Committee stating that the boiler that supplies heat and hot water to the police station, Committee meeting room and the offices near the meeting room is leaking beyond repair. Due to the cold temperatures the boiler has cracked and is leaking into the basement. Schiable's Pumping cleaned all of the furnaces and checked the leak. The boiler had a ten

year warrantee and is not covered at this time. Mr. Gabriel contacted four companies for quotes but only received two; Schiable's Plumbing at \$16,885.00 and Cooper's Heating at \$10,800.00. Mr. Gabriel spoke to the CFO and was advised that the Township can move forward with the purchase because the boiler is failing and quote is below the bid threshold. Mr. Gabriel recommended moving forward and awarding the quote to Cooper's Heating.

Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee awarded a quote to Cooper Heating for the boiler replacement at a cost of \$10,800.00.

PRESENTATION OF VOUCHERS

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

Mayor McKee stated that he has an invoice from the Badge Company of NJ for mini badges that Mr. Morrison had ordered with the Mayor's consent. The cost for the badges is \$40 a piece with the total bill being \$240.00. Mayor McKee stated that the Chief of Police informed him that if someone impersonates the title on the badge they can be held as a disorderly person. Mr. Cryan stated that he has an issue as the titles on the badges are incorrect plus the badges were purchased for past Committee members. Discussion was held on paying the bill. Mr. Milkowski stated that he would rather not pay the bill but since it was ordered by Township personnel, it has to be paid. Mayor McKee stated that he would be giving the badges to the Clerk to hold under lock and key. The Committee made a frivolous purchase but if the Committee agrees to pay the bill, they will move forward. Mr. Cryan stated that the company knew no different, as a representative from the Committee ordered the badges and committed to paying for them, so it is not fair to not pay for them. Mayor McKee stated that the Township will pay for the badges but the badges will not be distributed.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the January 15, 2014 bill list in amount of \$63,307.30.

Mr. Wunder stated that he believes that the Committee had approved ID cards for the Township Committee when he was serving as the Mayor. They were to be provided by the Police Department but there was an issue with the ID Card machine.

School Resource Officer

Mayor McKee received a letter from Dr. Charles Shadow, Superintendent of the North Hunterdon-Voorhees High School District, regarding Voorhees High School not having a School Resource Officer. North Hunterdon High School has a Resource Officer who is employed by the Clinton Township Police Department. He also services the Clinton Township Schools. Dr. Shadow proposed a meeting with himself and members of the Lebanon Township Board of Education to investigate the possibility and the true need for a Resource Officer to service the schools. Mr. Wunder asked if the part time officer could be utilized. Mayor McKee will speak to the Police Chief on the matter.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of December 2013

- b. Joint Meeting Jan 21, 2014 – Township Committee/Planning Board/Environmental Comm. Power Point Presentation on the Quarry
- c. North Hunterdon-Voorhees High School –Dr. Charles Shadow – Resource Officer
- d. NJDEP – Shade Tree Commission Grant –Mayor will give correspondence to the LTEOS.
- e. Washington Township - Letter of Gratitude for Fire Dept. Support During a Fire

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Cryan, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:47 p.m.

Mr. Anthony Casale asked for the details of Quest Environmental proposal. Mr. Casale stated that he thought that there was no further remedial action needed at Fire Station No. 1. The Committee discussed the status of the remediation with Mr. Casale

Mr. Casale stated that he feels that Township Committee email addresses are a good thing to have. However, he is concerned with the Municipal Clerk collecting all emails as he feels that there should be some level of confidentiality when someone writes to a Committee person. Attorney Cushing suggested that if someone does not want another individual to see a particular email they should make a phone call instead, as Committee emails are subject to OPRA.

Mr. Casale stated that he understands that the DPW building was designed to be a certain way and noted that there should have been controlled inspections. He asked if there is someone qualified to read the notes that are written in the drawings. Mr. Casale suggested having someone read the notes in the drawings to see if the floor was installed as designed.

Mr. Casale asked for clarification on the cost to the Township, for the sheltering of animals, as outlined in the ACO agreement.

Mr. Casale stated that he likes that the Township is looking into working with EMEX for power savings. Mr. Casale asked how this is different from previous suggestions made by residents or other individuals in researching other options. Mr. Cryan stated that in this situation multiple carriers will be bidding against each other for cost savings. Attorney Cushing explained that in the past there was the question of whether the Township had to go out to bid for the service. The procedure was changed and now the Township can enter into an agreement with a vendor who handles the bidding for the Township.

Mr. Casale stated that he has an Energy Kinetics boiler and it is the best boiler he has ever had. Mr. Casale suggested obtaining a maintenance contract or possibly an extended contract for the boiler.

Mr. Casale stated that he liked that the Mayor read all of the correspondence.

Mr. Casale asked what the status is of the cell tower lease. Mr. Cushing stated that there are no change there has been nothing done. Mr. Casale stated that the Township needs to ask for their rent. Discussion was held. Attorney Cushing is to send a letter to Nextel requesting payment.

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Mr. Victor Hoffman asked how far the pitch is off on the garage floor and what is allowable. Mayor McKee stated that he asked the DPW Manager to look at the plans to see how the floor was designed. The Township Engineer will be looking into the situation also. Mr. Milkowski stated that the elevations on the plans are going to be off as someone had changed the elevation of the floor. There is a note written on the print, which Mr. Milkowski believes states; "12 inch to all elevations". Mr. Milkowski stated that if you were to look at a print, that actually shows the elevation of the floor, it will show a 12 inch difference. Mr. Milkowski noted that it should have been throughout the building. Mr. Milkowski stated that he had questioned who approved the alteration but no one seemed to know why they lowered the floor by 12 inches. Mr. Milkowski stated that he questioned the second builder on it and was told that it was noted on the plans but no one seems to know who authorized it. Mr. Hoffman asked if there is a guarantee for the workmanship and said that the amount of settling, that is acceptable, needs to be determined.

Mr. Hoffman asked if the Squad building is going to be taken over by the Fire Department and questioned if the name of the building is going to be changed. He feels that the Township Committee should make any name change as it is a Township building.

Mr. Hoffman asked when the open house will be for the DPW building. Mr. Cryan stated that once the weather is nicer and people can walk around the site.

Mr. Hoffman asked what a resource officer's responsibilities are. Mr. Hoffman stated that he wonders if the need for a resource officer is due to an overreaction from shootings at other schools. Mayor McKee stated that this matter came down from the Hunterdon County Prosecutor to the Superintendent. It may be that it is a reaction but the Committee will follow up on it.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:10 p.m.

Resolution No. 21-2014 –Executive Session

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. -2014 and convened in executive session at 9:22 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 21-2014

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;

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.);

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.

ADJOURNMENT

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Having no further business to come before the Committee a motion was made by Mayor McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:23p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 19, 2014

Thomas McKee, Mayor