

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
 Ron Milkowski Bernie Cryan

Absent- Francis Morrison

Also Present - Attorney Lorraine Staples, Clerk Karen Sandorse and 5 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of February 20, 2013

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of February 20, 2013.

Minutes of the Executive Session of February 20, 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 February 20, 2013. AYES: Schriver, McKee, Cryan ABSTAIN: Milkowski

PUBLIC COMMENTS – for agenda items only.

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

RESOLUTIONS

Resolution No. 36-2013 - Transfers

Motion by Ms. Schriver, seconded by Mr. Milkowski, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2013 as attached.

TOWNSHIP OF HUNTERDON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 36-2013
TRANSFERS

OLD BUSINESS

Unsafe Structures – 2069 Route 31

The Construction Code Official Charlie Rogers stated that on February 11, 2013, he received from the NJDCA, a Notice of Imminent Hazard to demolish the two building at 2069 Route 31. Mr. Rogers stated that if the property owner wanted to contest the order they must apply to the State Board of Confident Jurisdiction within 24 hours of receiving the notice from the Construction Code Official. Mr. Rogers did not hear anything from the property owners. Mr. Rogers stated that he received a call from Mary, who is the agent for DelNorte, stating that she does not believe that they are they are the listed owners. Mr. Rogers informed Mary that DelNorte is on the Township tax records. Mr. Roger stated that he feels that the structures are still a hazard and in imminent danger of collapsing.

Mayor McKee stated that he has made calls and has received quotes for the demolition of the structures. When the contractors looked at the structures they realized that there are environmental issues with the siding. All of the proposed bidders were notified of the issue to insure that all were able to provide quotes similarly. Mayor McKee stated that there were six quotes received; highest being \$49,000.00 and the lowest \$30,000.00. The quotes all appear to be equal in their proposals.

Resolution No. 37-2013

Motion by Ms. Schriver, seconded by Mayor McKee, and carried by favorable roll call vote, the Township Committee approved Resolution No. 37-2013 as written below. AYES: Schriver, McKee, Milkowski, Cryan ABSTAIN: Milkowski

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 37-2013
RESOLUTION AUTHORIZING THE EMERGENCY AWARD OF A CONTRACT FOR
DEMOLITION OF UNSAFE STRUCTURES WITHOUT PUBLIC BIDDING PURSUANT
TO N.J.S.A. 40A:11-6

WHEREAS, the Construction Official for the Township of Lebanon (“Township”) issued a Notice of Unsafe Structure to the record owner of Block 7, Lot 11 in the Township (the “Property”) ordering the owner to demolish structures on the Property by January 15, 2013 because they were unsafe and represented a hazard; and

WHEREAS, when no action was taken, the Construction Official in February issued a Notice of Imminent Hazard to the record owner of the Property notifying the owner that the Township would demolish and secure the structures as the owner’s expense; and

WHEREAS, the Township sought quotes from contractors to demolish and secure the structures; and

WHEREAS, in the process of obtaining quotes the Township learned that there was asbestos siding on both of the structures; and

WHEREAS, the discovery of asbestos siding caused the Township to require that any contractor submitting a quote be qualified and licensed to properly handle a demolition involving asbestos; and

WHEREAS, the Township has secured five quotes from contractors who are qualified to do both the asbestos removal/disposal and the building demolition on an emergency basis; and

WHEREAS, the lowest quote for those services was provided by Matarazzo Excavation & Masonry, LLC which submitted a quote of \$30,420.00; and

WHEREAS, the Construction Official advised the governing body in person at the March 6, 2013 Township Committee meeting that the structures are still in imminent danger of collapse and should be removed as soon as possible to avoid collapse of the buildings into Route 31; and

WHEREAS, the Township Committee has concluded that an actual or imminent emergency exists which requires the demolition of the structures on the Property; and

WHEREAS, the need for this work could not have been reasonably foreseen; and

WHEREAS, the contract will be of such limited duration as to meet only the immediate needs of the emergency.

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

1. The Mayor and Committee hereby find that an emergency exists which affects the public health, safety and welfare of the residents and other persons in Lebanon Township because of the threat of the collapse of structures on the Property into Route 31.

2. The Mayor and Clerk are authorized to execute a contract with Matarazzo Excavation & Masonry, LLC generally in accordance with the proposal attached hereto.

Tino DeSantis- Request to Store Prior Squad’s EMS Records

Attorney Staples provided the Committee with a legal opinion on Mr. DeSantis’ request for their review and consideration at a later date. Matter held to the March 20, 2013 meeting.

Architect Keith Chambers – DPW Project Information

Matter held to the Executive Session. Mr. Milkowski stated that they are close to the end of the project. The preliminary punch list had 46 items on it and they are now half cleared. There are a few more items that are very easy to clear up. The Contractor is working on it and they are making progress.

Comcast Cable Franchise

Mayor McKee stated that in August of 2012, the Committee discussed the Comcast Communication Franchise. At that time, Attorney Cushing suggested that a Citizen's Committee be formed to look into the Township needs. Ms. Schriver stated that she feels that it is important to see who is not being served in the Township. Mr. Cryan stated that this is not only the time to discuss with Comcast the need to reach more of the residents, it is also the time to discuss service issues and their system restore timeframe. Mr. Cryan stated that there are many folks who are not happy with the amount of time it takes for their service to be restored. Ms. Schriver stated that the Committee needs to see what the time period is in the Township responding and noted that there should be a notice to the residents placed in the next newsletter. The matter will be discussed at the March 20, 2013.

DPW Project – Surplus Concrete Block

Mr. Milkowski stated that when the DPW Garage project started there were concrete blocks that needed to be moved out of the way. Mr. Milkowski stated that he stored the block in another location. Mr. Milkowski stated that he asked the DPW Manager if he will need the blocks for bins that he is building at this time. However, the DPW Manager does not need any additional block as he had retained what he needed. Mr. Milkowski stated that there is surplus block and asked the Committee what they would like to do with them. Attorney Staples asked Mr. Milkowski if the Township purchased the block. Mr. Milkowski said no and informed Attorney Staples that when they demolished the old building they were used for just concrete blocks and some were from the Salt Shed. Attorney Staples inquired on the value of the block. Mr. Milkowski stated that when Lentini sold out their plant they sold the blocks for \$2.00 each but they were new and these are used. Attorney Staples asked how many blocks there were. Mr. Milkowski stated that there are about 50 of them. Mayor McKee stated that they had to be moved for the demolition of the Salt Shed. Mr. Milkowski stated that he did not want to get rid of them in case they were needed. However, since the DPW Manager has what he needs on the site, Mr. Milkowski feels that it is time to decide what to do with the remaining block. Attorney Staples stated that if they are owned by the Township and they have a value the Committee will need to follow the procedures for the disposition of the property. Mr. Milkowski stated that this is not all of the blocks as the Township had to pay the Contractor to recycle some of them. It cost an amount per ton to get rid of them. Attorney Staples inquired on if it could end up costing the Township to dispose of them. Mr. Milkowski stated that it could. The Clerk stated that the block could be auctioned off which is required for public surplus. Ms. Schriver stated that she does not feel that there is a choice but to sell the block as they cannot be given away. Ms. Schriver stated that there may be a list of items to be auctioned off and the block can be added to the list. The Clerk stated that she and Warren Gabriel handle the surplus auction and she will speak to him about it. The Clerk asked Mr. Milkowski where the block is located so interested parties can view it. Mr. Milkowski stated that the block is located on his farm because there was no other place to store them. He said that he figured that the Township may need the block when the project was done and did not want to have to purchase them. The Clerk said that the public may like to see the block prior to bidding and questioned if it was acceptable for them to access the property. Mr. Milkowski stated that photos can be taken or they can be moved back to the parking lot of the DPW Garage. The Clerk will speak to Mr. Gabriel about the sale.

NEW BUSINESS

Township Garage Lighting

The Township Committee received two letters from a resident whose property adjoins the DPW Garage property. The resident has an issue with the new lights at the building being on all night long. Mr. Gabriel changed the timer and they now go off at 10:13 p.m., however, the resident is still not happy. Mr. Milkowski stated that he spoke with the Construction Official and the lights do not have to be on all night because of the type of building that it is. Mr. Milkowski also spoke to the Police Chief and he feels that the street lights should be sufficient lighting. Mr. Milkowski stated that the lights are not ideal for motion detection as they have a warm up period. The fueling system station is a concern and Mr. Milkowski suggested having a smaller light installed with a manual switch. Mr. Milkowski recommended leaving the lights off in the evening unless there is a DPW employee working who will switch the lights off when exiting the property. Mr. Milkowski stated that he looked at the Planning Board approvals and the lighting plan was done in accordance with the Township's ordinance. Mr. Milkowski stated that if the lights are not needed why have them on and it will help with the cost of the electric. The resident will be called and informed of the Committee's decision. The lighting at the fueling station will be looked into.

Township Garage Sign

Mr. Milkowski received two options for a sign at the DPW Garage. A sign could be placed on the building or it can be placed along the road. The Committee discussed what kind of material the letters, which would hang on the building, are made of. Mr. Milkowski stated that he would like to see the sign on the ground in front of the building. Ms. Schriver stated that she would like to see a posted wooden sign. Ms. Schriver will attempt to obtain an additional proposal for a one sided sign to be placed at the road.

Raffle Applications (2) – St. John Neumann Church - June 1, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved two Raffle Applications for St. John Neumann Church for an event to be held on June 1, 2013.

Raffle Application – Freedom House – December 24, 2013

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for an event to be held on December 24, 2013.

Raffle Application – Lebanon Township PTA – March 24, 2013

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for an event to be held on March 24, 2013.

Social Affair Permit – Bourbon Street Blues Fest, Inc. – May 18, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for an event to be held on May 18, 2013.

Space for Municipal Office Files

Ms. Schriver stated that the Committee had received a memo from the Zoning Officer regarding the filing of Township records. Ms. Schriver and Mayor McKee met with the Zoning Officer, the Tax Assessor and the Planning Board Clerk to discuss problems with the functionality of the filing system and the lack of space for the files in the Municipal Office. The Zoning Officer, the Tax Assessor and the Planning Board Clerk recommended moving the files to the same location in the building, either upstairs or downstairs. Ms. Schriver stated that she has thought about it and feels that there may be alternate plans. Ms. Schriver asked for the Committee to think about the problem and to come up with a possible solution. Ms. Schriver stated that the proposed plan was to take walls down in the Municipal Office and to remove a couple of the offices to make room for the files. Ms. Schriver stated that everyone was not consulted on the plan that should have been and she feels that the Committee should think about how to work out the problem whether upstairs or downstairs. Mayor McKee stated that the proposal was to leave the door that goes to the file room at this time and to open up everything to the block walls. The Zoning Officer's and the Finance office will be opened up and the Finance office will be moved to the Assessor's office. The Assessor and the Zoning Officer will work in the confines of the open filing room. The employees feel that the files could then be brought up from the lower floor. Mayor McKee stated that moisture in the basement is a concern since there was water at one time. There is an issue at this time due to this problem. Ms. Schriver questioned if the employee's proposal would allow for future expansion. Mayor McKee stated that the employees stated that the weeding of the files is what will be most costly and recommended that possibly Eagle Scouts, high school students or senior citizens to volunteer their time to help out. Mayor McKee stated that the filing system has not been kept up to standard which causes a struggle in researching information on Block and Lots in the Township. Mr. Milkowski stated that if some files need to come upstairs then all files should be brought up. Ms. Schriver stated that the Police Department is pressed for space at this time also and asked for the Committee to think about possible options. Mr. Milkowski asked if the Police could utilize the space with the overhead door, where they bring individuals in and out of the office. Mr. Cryan stated that there are many firms that handle records and can consolidate the Township's files, such as, by transferring them into an electronic format. Ms. Schriver stated that there was a conference room where the filing room presently is, which was taken away. Ms. Schriver feels that it has been a problem since it was removed and this should be considered also. Mr. Milkowski asked what the issue is with the files being located in the basement. The Clerk stated that the lower meeting room would probably be fine for the files; however, ventilation needs to be looked at for the entire lower floor. Mayor McKee stated that there is no air movement and that is a problem. Mr. Milkowski stated that all of the filing cabinets should be in one location and the amount of space needed to hold all of the cabinets needs to be determined. The Clerk stated that the Municipal Office is limited in office space and she would rather not see two offices removed. She also feels that it is difficult for two employees to occupy one space when dealing with the public.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved the March 06, 2013 bill list in amount of \$2,696,364.21.

CORRESPONDENCE

PUBLIC COMMENTS

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

Ms. Darois questioned if the garage project is done and if there will be more money spent. Mr. Milkowski stated that the project is not done and he does not plan on spending any more money. The Committee needs to go over the contract to check on their obligations. Ms. Darois asked how long the contractor is thinking in completing the project. Mayor McKee stated that there is a problem with the well water and therefore a Certificate of Occupancy could not be obtained. There are additional minor issues on a punchlist that need to be taken care of.

Ms. Darois asked what the status is on the Genpsych Planning Board Application. Mayor McKee stated that there is ongoing litigation and the Committee cannot comment on the matter at this time.

Ms. Darois asked if the quotes were already submitted for the demolition of the structures on Route 31. Mayor McKee stated that they were submitted.

Mr. Darois asked what the Township Committee is doing with Comcast and stated that they are the "worst company that there ever was". Ms. Schriver stated that the Township's contract with Comcast is for ten years and the ten years will be up next year. This is the time to make comments on the contract and service.

Ms. Darois asked the Committee how much water was in the basement of the Municipal Office to cause a problem with mold on the books and files. Ms. Darois suggested raising the books off of the floor. Mr. Milkowski informed Ms. Darois that it was the moisture in air that caused the problem. Mr. Darois suggested keeping the files in the lower part of the building, all together, but to make sure that the area is dry.

Ms. Laurie Hoffman stated that this Saturday there will be a group of people going on to the SWACK Church property to clean up the brush. There has been caution tape and no trespassing signs placed at the property. Mayor McKee asked who actually posted the property. Ms. Hoffman stated that descendants of the Lance, Castner and Swackhammer families started the group. Ms. Hoffman stated that there is a man named Jeff, whose 88 years old mother-in-law has a relative who is buried at the cemetery. Jeff would like to clean up the cemetery for his mother-in-law before she dies so she will be able to see the church property looking nice. Ms. Hoffman stated that tomorrow evening, directly after the Historian's meeting, there is another non-profit group, called Squire's

Point, holding a meeting at the Museum. Mayor McKee asked why the Committee did not receive the Historian's meeting minutes this month. Ms. Hoffman stated that she was not sure why they were not distributed. Ms. Hoffman stated that the Historians are not quite sure of whom the Squire's Point group is but they have been in existence for more than 25 years. Ms. Hoffman stated that past Historians made the Squire's Point group which was not part of the Township and it became a non-profit organization. They are approved through the State of New Jersey as a no-profit organization and have a bank account. At the last Historians meeting they decided to hold a meeting of the Squire's Point to separate themselves from the Township so they could discuss the Swackhammer Church property. Ms. Hoffman stated that since they decided to have the meeting many people have come to work with them on the Swack Church property. Mayor McKee asked if anyone from the Historians who will be working with the volunteers because everyone has heard the warning from the Township Attorney regarding the property. Ms. Hoffman stated that there will be no one working with them as a Township Historian. That is the purpose of the Squire's Point group meeting, so they are separated from the Township. Mayor McKee stated that he understands that the Historians have a Facebook page. Ms. Hoffman stated that they do and the Swackhammer Church does also. Mayor McKee asked Ms. Hoffman why the Historians did not speak to the Committee about establishing a Facebook page. Mayor McKee noted that there is an official Township Website. Mr. Victor Hoffman stated that the Township does have a webpage for the Governing Body. Mayor McKee stated that the webpage is for the extensions of the Governing Body also. Mr. Hoffman stated that there have been no such standards set relative to such. Ms. Hoffman stated that they were not aware that they needed to come to the Committee regarding the Facebook page and apologized. Ms. Hoffman informed the Committee that it is stated in the Township Newsletter that the Historians now have a Facebook page. Mayor McKee stated that if the Facebook page is the Historians official site than it is an official site of the Township. Mr. Cryan stated that the Historians should have established a link on the Township's webpage and not established a separate page without the involvement of the Committee. Ms. Hoffman stated that she just wanted to fill the Committee in on the happenings of the Swack Church volunteers. Attorney Staples stated that as long as the cleanup is not sponsored by the Township or related to the Township, the Committee has no responsibility for the volunteers. Mr. Hoffman stated that the Squire's Point group was established in 1981 and the Committee, at that time, was made aware of it. Ms. Hoffman stated that the group was established in order to fund raise. Mayor McKee asked if the Historians are involved with the Swack Church. Ms. Hoffman stated that they are not. Ms. Hoffman stated that everyone who is on the Historians is also on the Squire's Point. Once a year the Historians adjourn their meeting and bring to order a meeting of the Squire's Point. Holding one meeting a year enables the Squire's Point to remain a non-profit organization. During their February meeting the Historians decided to hold a Squire's Point meeting to discuss the Swackhammer Church in order to separate it from the Township Historians. Since that time there have been many people who are showing interest in the Church/Cemetery property and have gone to the Museum and informed the Curator that they will be cleaning up the property. Mayor McKee stated that the Township representatives need to be careful in their communications. Mr. Cryan asked if there will be any involvement on behalf of the Historians. Mr. Hoffman stated that the only involvement there will be on the part of the Historians is an individual volunteering on their own. Ms. Hoffman stated that the gentleman organizing the cleanup has conducted this sort of thing before. The volunteers have to sign an affidavit assuming their own liability if something should happen. Ms. Hoffman stated that there may be as many as 25 volunteers helping out. Ms. Hoffman stated that the Historians are the owners of record at the County Courthouse. Mr. Hoffman stated that prior Committees have accepted liability of the property and individuals have been covered by the Township's insurance when accessing the property. Ms. Hoffman stated that this was in the early eighties and she has the minutes indicating such. Ms. Staples stated that there are

two separate issues what happened in the past is a separate issue from the issue at hand. Mr. Hoffman stated that the cleanup is only being initiated by the Historians because they brought the issue to light. They have not asked for volunteers or outside agencies to assist in the cleanup. Ms. Hoffman stated that the Historians want to separate themselves and does not think that anyone on the Historians Committee is going to participate in cleaning up the Church property. She feels that the majority chooses to stay separate from it. Mayor McKee stated that he feels that is a good choice because Legal Counsel has told the Committee to be careful as to who works on the property.

Ms. Hoffman asked how the Historians can ask the Committee to have a Facebook page. Ms. Hoffman stated that the Curator is posting events on the Facebook page and there have been more people coming to the Museum. Ms. Hoffman said that people do not look at the Township's website. Attorney Staples stated that the Township Committee needs to decide what the policy will be in regard to Facebook and recommended that it be an overall policy as opposed to an ad hoc policy. Ms. Hoffman asked if the Historians have to take the Facebook page down. Attorney Staples recommended to the Committee that the Facebook be removed until the Committee establishes a policy.

Ms. Hoffman asked when and how to request a budget for the Historians as they did not receive any paperwork to date. The Clerk asked Ms. Hoffman to speak to the CFO tomorrow.

Ms. Hoffman stated that the Committee had mentioned having the Boy Scouts help with the filing in the Township. Mr. Hoffman suggested having a list of different volunteer opportunities which the members of the community can volunteer for. The Committee felt that Ms. Hoffman's suggestion is a great idea.

Mr. Victor Hoffman stated that as the Chairman of the Historians he feels that the Historians are receiving a slap for taking a step forward. Mr. Hoffman questioned that, if there was a procedure for the Historians to be listed on the Township's webpage why weren't the Historians informed of such. Mayor McKee stated that he feels that the Committee lost discussions with the Historians as they decided to proceed with something and did not discuss it with the Committee. Mayor McKee stated that communication is very important and possibly a note or a memo to the Committee would have been appropriate. Mr. Hoffman stated that the Committee should list the things they want to control and the procedures they want their Committees to follow. Mr. Hoffman stated that there should be guidelines. Mayor McKee stated that the Facebook page needs to be removed; the Committee will establish procedures and all of the committees in the Township will be notified of what the Township Committee feels is the proper social media they should be using. Mr. Hoffman stated that this is not what he wants because they were doing fine and people were communicating with the Historians. Mayor McKee stated that everyone has to work together.

Mr. Hoffman asked what happens if the Township does nothing with the buildings on Route 31. Mayor McKee stated that if the buildings come down and the asbestos is intermingled in the debris there is larger problem. Mr. Hoffman stated that he does not feel that the issue is as imminent as everyone is saying. Mayor McKee stated that he must proceed at the advice of the Construction Code Official. Mr. Cryan stated that if something were to happen now the Township would be very vulnerable since the problem has been brought forward. Mr. Hoffman asked where the money is coming from the Mayor said from the taxpayers. Ms. Schriver stated that they are hoping that the property owner will end up having to pay. Mayor McKee stated that possibly the Township can obtain a grant or there may be the possibility of speaking with the New Jersey Water Authority to

see if they have interest in taking over the property as it backs along a C-1 stream. Mayor McKee stated that the immediate destruction of the buildings needs to be done within 30 days. Mr. Hoffman asked when the contractor expects to be paid. Mr. Milkowski stated that cost for the demolition falls under emergency appropriation and will be realized next year.

Mr. Hoffman asked what the final cost is for the DPW Garage project. Mr. Milkowski stated that the only extra cost to the original bid was the old cesspool that needed several thousand dollars of work. Mr. Milkowski said that the overruns were close. The Clerk stated that the final Change Order list the overall cost of \$2,086,680.95. Mr. Hoffman asked what the original bid was. Mr. Milkowski stated that the bid price was \$2,080,000.00 therefore there is a \$6000.00 overage. Mr. Hoffman stated that the project was supposed to be completed by February 28, 2013 and it is not done. Mr. Hoffman asked if the liquidated damages clause can be enforced. Mr. Milkowski stated that he spoke to the Architect today and has not received an answer at this time.

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.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 38-2013 and convened in executive session at 8:24 p.m.

Contract Negotiations:
DPW Garage Project and Land Acquisition

Action may be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 38-2013
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;

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.

The Township Committee reconvened the Regular Committee meeting at 9:05 p.m.

Attorney Staples that the Committee discussed two issues pertaining to contract negotiations: DPW Garage Clerk of the Works Contract and possible Land Acquisition, Maxwell Property.

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 9:06pm.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 3, 2013

Thomas McKee, Mayor