



**PUBLIC COMMENTS – for agenda items only.**

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

**PROCLAMATION**

*Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted the following proclamation.*

**PROCLAMATION**

**TOURETTE SYNDROME AWARENESS DAY  
JUNE 4, 2015**

WHEREAS, Tourette Syndrome (TS) is an inherited neurological disorder that is characterized by involuntary physical and vocal tics that occur many times a day; and

WHEREAS, Tourette Syndrome is often accompanied by other conditions such as attention deficit and obsessive compulsive disorder, learning disabilities and depression; and

WHEREAS, the neurological disorder known as “Tourette Syndrome” (TS) affects 1 in 100 children. More than 20,000 school age children in the State of New Jersey alone are dealing with TS and although some of these cases are aided by medication, there is no standard treatment or known cure for this disorder;

WHEREAS, there is an important need for more professional help with interest and expertise to identify, counsel and treat people with TS, with the lag time between initial onset of symptoms and proper diagnosis for those who do seek help still averaging more than seven (7) years; and

WHEREAS, positive actions to assist those children and families dealing with TS would result from a broadening of public and professional knowledge and acceptance of TS; and

WHEREAS, the New Jersey Center for Tourette Syndrome is the first and only program of its kind in the nation and they are actively providing services to families, educating medical professionals, teachers, social workers and supporting research to understand the signs and treatments of TS;

NOW, THEREFORE, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby proclaim that THURSDAY, JUNE 4, 2015 will be recognized as “TOURETTE SYNDROME AWARENESS DAY” in Lebanon Township, as a special day to promote understanding, compassion, and acceptance for all of our fellow citizens who deserve and need our support to break the stigma that is related to Tourette Syndrome.

## RESOLUTIONS

### **Resolution No. 39-2015 – Professional Services Appointment – Financial Advisor**

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2015 as written below.*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 39-2015  
RESOLUTION APPOINTING FINANCIAL ADVISOR**

WHEREAS, there exists a need for the Mayor and Committee to receive advice with respect to financial and other matters affecting the budget and financial status of the Township of Lebanon during the year 2015; 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 an professional advisors 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. Gerald J. Giaimis, MPA, of the Canning Group, advisers to municipalities, are hereby appointed provide financial and other advice and guidance for the Township of Lebanon during the year 2015 relating to budget and other matters affecting the financial situation of the Township of Lebanon in accordance with the proposal attached hereto.
2. The Township of Lebanon is hereby authorized enter into a mutually agreeable written compensation agreement with Jerry Giaimis and the Canning Group in accordance with the proposal attached hereto 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.
4. The Mayor and Clerk are hereby authorized to execute a contract with Gerald J. Giaimis and the Canning Group in a form agreeable to the Municipal Attorney upon the Chief Financial Officer providing a certification of the availability of funds.

### **Resolution No. 40-2015 - Redemption of Tax Sale Certificate**

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2015 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 40-2015  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201302 on October 15<sup>th</sup> 2013 to US Bank Cust for Pro Capital III LLC and,

WHEREAS the amount of \$9,022.55 has been collected from Core Logic for redemption of this lien on this property, known as Block 7, Lot 4, Lebanon Township, for Tax Sale Certificate #201302, assessed in the Name of Paul F Hargett.

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 \$9,022.55 and that this check be mailed to the lien holder:

US Bank Cust for Pro Capital III LLC  
US Bank TLSG  
50 S 16<sup>th</sup> Street Suite 1950  
Philadelphia PA 19102

## **OLD BUSINESS**

### **Mr. William Swartz – Pesticide Spraying at Melick’s Orchard**

Mr. Swartz stated the he provided the Committee with a lot of additional information regarding the spraying of pesticides at the Melick orchard. Mr. Swartz asked what the Committee’s intent was in sending a letter to the Commissioner of the NJDEP last year. Mayor McKee stated that the letter was sent to open correspondence between the Township or Mr. Swartz and the DEP. Mr. Swartz asked if it had to do with the fact that the Township did not have the technical expertise to evaluate the situation; therefore, contacted the NJDEP. Mayor McKee agreed. Mr. Swartz stated that he did not find that the Committee did any follow up on the letter. Mr. Swartz informed the Committee that he was the only one who did a follow up on the letter. Mr. Swartz told the Committee that he spoke with the Township Clerk in October 2014 and was informed that the Township was still awaiting a response for the NJDEP. This was from April 2014 to October 2014 and there is still no written response from the NJDEP. Mr. Swartz informed the Committee that he went to an expert who is better than the NJDEP. He provided her with the same information that he gave to the Committee. The expert determined that the pesticide spraying is a true threat to the health and safety of the community. Attorney Cushing stated that the jurisdiction of the application of pesticides is with the NJDEP, not the Township Committee. The Committee members are not scientists and cannot assess the technical information that was provided to them. Mr. Swartz stated that the NJDEP does not enforce the zoning laws of the Township; the Zoning Officer should for the health and safety of the Community. Mr. Swartz stated that there are two different sets of laws. Attorney Cushing agreed; however, stated that the advice he provided to the Township Committee is that they do not have the jurisdiction to oversee the pesticide spraying as it is strictly with the NJDEP. Attorney Cushing stated that with regard to the Township’s zoning laws, farming is a permitted use in that zone. Attorney Cushing noted that if there is a problem with the operation of a commercial farm, the Township would defer to the HCCADB. The CADB would be the agency to determine if the Standard Agricultural Management Practice is being followed. Attorney Cushing stated that he reviewed the actions of the Zoning Officer and feels that he has done the right thing. Mr. Swartz stated that the Township has the right to stop the pesticide applications because it is a threat to public safety. Attorney Cushing stated that the Township does not have the right to tell the Melick’s how to farm; the CADB can. Attorney Cushing stated that Mr. Swartz should go to see the CADB. Mayor McKee asked Mr. Swartz why he did not continue with communications with Mr. Knute Jensen of the NJDEP. Mr. Swartz stated that Mr. Jensen stopped contacting him after he was informed to refer to the

NJDEP database for additional information. Mr. Swartz said that the Township Committee needs to go to the CADB as there are other residents and the Borough of Califon that is being affected. He does not feel that he should be the one doing all of the work.

Mr. Swartz asked Mr. Laul if he obtained any information on the creation of the orchard. Mr. Laul stated that because of the Right to Farm law the Melicks did not need to go before the Planning Board or Zoning Board for approvals. Mr. Laul stated that it was assessed as farmland prior to the Melicks purchasing the land in 1983.

The Committee discussed writing a letter to the CADB, the NJDEP and the Melicks to try to schedule a round table discussion. Attorney Cushing will write to all parties.

Ms. Terry Kinney said she heard the same comments from the Committee last year and asked why the Mayor did not follow up with the round table discussion with the DEP that was planned at that time. Ms. Kinney stated that the residents are living there and they need help from the Committee they elected.

Attorney Cushing suggested that the residents reach out to state representatives who have connections with the DEP.

#### **Gail Glashoff Memo- Construction Files**

Gail Glashoff sent a memo to the Township Committee stating the need for more filing cabinets for the construction files. Mr. Milkowski asked Gail if she can look into another type of cabinet which mounts to the wall. The cabinet would take up more wall space and therefore save on floor space. Mr. Milkowski stated that the cabinets are not capable of holding the files the Township uses. Mayor McKee stated that the room where the cabinets will be kept needs to be determined. Gail is thinking that all of the cabinets will be out in the lower meeting room. There was problem with the soot in the room where the files are now kept and it needs to be determined if the new furnace is soot free.

Mr. Laul stated that there is one issue with the room. There is a small door, with a louver for fresh air for the combustion air for the boilers and the air handlers. The louver does not close and Mr. Laul's concern is that if there were to be a power outage and freezing air were to enter the room, the possibility of bursting pipes could be jeopardize the files. Mr. Laul stated that it would be a good idea to correct the problem.

Mr. Laul will follow up on the location of the files.

Gail obtained quotes for a 4 drawer legal cabinets at \$319.99 each. For eight cabinets the total cost will be \$2559.92.

*Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized Gail Glashoff to purchase 8 filing cabinets from Staples as outlined above.*

### **Museum Gutters**

Mr. Laul stated that Nina Savoia of the Township Historians received a quote of approximately \$2000 to repair the gutters on the museum. Mr. Laul also contacted Pfister Maintenance Roofing Company. The contractor went onto the roof and informed Mr. Laul that the gutters do not exist. Apparently sometime in the past the gutters failed and were filled in and covered with an asphalt membrane. The historic gutters are there but under the membrane. Mr. Laul noted that Joan and Deanna told him that they are concerned because when it rains it is like a sheet of water trying to get into the building. The contractor feels that the slate roof is in good shape outside of the small area that needs attention. One of the contractors suggested installing gutters that sprays the water away from the building. To put the historic gutters back it would be very costly, at approximately \$100,000.00.

Mr. Cryan asked where the funds will come from to cover the cost of the work. Mayor McKee stated that it would be a capital improvement. Mr. Cryan asked why it would not fall under Buildings and Grounds. Mr. Laul stated that in this case, which is strictly maintenance, the funds may be able to come from the Buildings and Grounds budget.

The question was raised as to whether the museum is listed as a historic building. Attorney Cushing stated that the Township will need to get approval from State Historic Preservation Office prior to having the work done on the building if it on the Historic Registry.

Mr. Milkowski thinks that the Township can apply for a grant to restore the historic gutters through the County.

### **Ventilation of Vault Room**

Mr. Laul stated that he looked at the vault to consider ways to improve the ventilation. There are two fairly new air handles in the room and there is no air flow. Mr. Laul feels that the least expensive and the easiest way to proceed it to knock two holes in the block wall, on the boiler room side, install two fire dampers and tap off of one of the air handlers to put 100- 200 cfm into the vault. The other vent will remain open with louvers to push the air out. Mr. Laul stated that he feels that the cost would be less than \$350 for materials.

### **Recycling Dumpster**

Mr. Laul informed the Committee that this past Sunday he was at the park and he noticed that something was strange with the recycling dumpster located in the Municipal Office parking lot. As it turns out it was covered with carpets. As Mr. Laul approached the parking lot he saw two police officers and Sue Schlesinger of the LTVFD. There was also a car with a trailer returning to the Municipal Building parking lot. Sue had noticed the man putting the carpet in the dumpster and contacted the police department. The police informed the man that carpet is not recyclable and had him remove it. Mr. Laul stated that there were lawn chair in the dumpster also. Mr. Laul said that he spoke to Republic and they said that they do run drivers on Saturdays so the dumpster can be picked up the afternoon of the recycling event. Mr. Cryan asked if the dumpster has a sign on it stating that the dumpster is for recycling only. Mr. Laul stated that a sign can be purchased.

Mr. Laul informed the Committee that he would like to send a letter, on Township letterhead, to Sue Schlesinger to thank her for being so aware.

Mr. Laul will request that Republic remove the dumpster by noon the day of recycling.

### **Hagedorn Property – Food Pantry**

Mr. Cryan stated that he has a meeting on Friday, with a gentleman from Trenton, to discuss the Food Pantry using a portion of the Hagedorn property.

## **NEW BUSINESS**

### **Historian Request – Capital Improvement Funds**

The Historians sent a letter to the Township Committee to request Capital Improvement funds in the amount of \$60,000.00 for restrooms in the museum. The need is to provide adequate restroom facilities for the public. The Township Committee will take the request under consideration.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the May 20, 2015 bill list in the amount of \$45, 311.80.*

## **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of April 2015
- b. Township Historian's February 5, 2015 Meeting Minutes

## **PUBLIC COMMENTS**

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:06 p.m.*

There were no comments from the public.

*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 8:06 p.m.*

### **Resolution No. 41-2015 –Executive Session**

*Motion by Mr. Laul seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2015 and convened in executive session at 8:07 p.m.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 41-2015  
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 **Wolek Property**

\_\_\_\_\_ 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 **Financial Advisor**. 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**

Having no further business to come before the Committee a motion was made by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: June 3, 2015

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Thomas McKee, Mayor