

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 Francis Morrison
 Ron Milkowski Tom McKee

Absent- Patricia Schriver

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 12 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meeting of July 18, 2012 - Tabled

PUBLIC COMMENTS – for agenda items only.

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

Mr. Russ Forte stated that unless the Committee has a true need to acquire the Polt land he would like to see the property remain on the tax rolls.

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

RESOLUTIONS

Resolution No. 56-2012 – Renewal of Retail Consumption Licenses

Motion by Mr. Milkowski seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 56-2012 as written below.

RESOLUTION NO. 56-2012
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2012-2013 year:

1019-33-001-002 A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ

Resolution No. 57-2012 – Granting a Fireworks Permit

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 57-2012 as written below.

RESOLUTION NO. 57-2012
RESOLUTION GRANTING FIREWORKS
PERMIT TO A&B STAINLESS VALVE
AND FITTING COMPANY

WHEREAS, A&B Stainless Valve and Fitting Company has applied for a permit for public display of fireworks to be held on July 7, 2012 at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to A&B Stainless Valve and Fitting Company for the activity described in its application.

BE IT FURTHER RESOLVED, that the Township Fire Official file copies of this Resolution and any other pertinent document with the appropriate New Jersey agency.

Resolution No. 58-2012 – Certification of Annual Audit

Motion by Mr. McKee, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 58-2012 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON

STATE OF NEW JERSEY
RESOLUTION NO. 58-2012

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,
WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,
WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,
WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,
WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and
WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

OLD BUSINESS

Polt Property – Phase II Environmental Proposal

Quest Environmental has concluded the Preliminary Environmental Investigation of the Polt Property. Mr. Darin Vogel recommends that a Phase II Investigation be conducted. Mr. Vogel provided a proposal of \$45,460.00 to conduct the investigation.

The Committee agreed to pass the proposal on to Mr. Polt to see if he would want to do the Phase II on his own. Once Mr. Polt makes a decision the Committee can decide on how to proceed.

Attorney Cushing will send a letter to Mr. Polt's attorney, Jim Lance, to state the Committees position on the Polt property.

Polt Property – Tank Removal Oversight Proposal

The Committee has asked for a proposal from Quest Environmental for Field Oversight Services during the removal of the two underground storage tanks on the Polt property. The proposed cost for the oversight is \$2,020.00.

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Agreement with Quest Environmental for Field Oversight Services at a cost of \$2,020.00.

Lebanon Township Volunteer Fire Department Correspondence – Return of EMS to the Township

The Township Committee received a letter from the Fire Chief stating that, at this time, the Fire Department will be turning Emergency Medical Services back over to the Township. Chief Schaffer stated that with the lack of manpower and the number of calls, the Fire Department is not able to provide the service for the residents. Chief Schaffer noted that there has been an increase in call volume and a decrease in membership. Chief Schaffer stated that it is very demanding being a volunteer and with all that they do, it takes them away from spending quality time with their families.

Township Fees

Mayor Wunder discussed with the Committee the need to update the fee ordinance. The Clerk will review the Ordinance and send a memo requesting input on possible amendments to the existing fee schedule.

NEW BUSINESS

New Jersey Environmental Federation – Notification of Community Canvass

The New Jersey Environmental Federation has sent a notification to the Police Chief to notify the Township that they will be conducting a canvass in Lebanon Township. The campaign is designed to protect our waterways and drinking water supplies from toxins, ensure that citizens know what is in their water, reduce pesticide use and to elect “green” candidates.

Attorney Cushing informed the Committee that organizations have 1st Amendment rights and can legally conduct canvasses. However, the residents do control their own properties and can ask the canvassers to leave. The Committee agreed that the canvassers are to notify the Police Department of when and who will be conducting the canvass and what vehicle they are driving, in case residents call with concerns.

Engineer Thomas L. Yager Contract Correspondence

Engineer Thomas Yager sent a letter to the Township Committee notifying them that he will be retiring effective July 31, 2012 and will no longer be providing Tax Map Maintenance for the Township. Mr. Yager provided the Committee with an alternate Firm to assist the Township.

The Township Committee has requested that the Clerk contact Township Engineer Steve Risse to inquire on his interest in providing Tax Map Maintenance for the Township.

Nixle Early Warning System

Mayor Wunder thanked Mr. EJ Skidmore for bringing the Nixle System to the Township Committee's attention. Mayor Wunder stated that it is a free communication system which connects residents with the agencies that serve and protect them. The system can be used to receive information, critical alerts and community news. Residents can chose the method in which they receive the information, such as, text, email, website or mobile application. Mayor Wunder noted that Clinton Rescue Squad is using the service.

Mr. Skidmore stated that he called Nixle today and found that once the Township creates an account there will be an administrator created. The administrator will decide what users are necessary. Mr. Skidmore explained to the Nixle representative what he thought would be a good set-up for Lebanon Township; one account with multiple users, such as, OEM, the Police Dept., the Fire Dept., etc. The Nixle Rep stated that many small towns work the system this way.

Mr. Skidmore asked how the Nixle System makes money if it is a free system. He was informed that there are different services that Nixle provides, on a fee basis, which covers their costs. Mr. Skidmore volunteered for the administrator's position.

Mayor Wunder made a motion to appoint Mr. Skidmore as the Nixle Administrator.

Mr. Milkowski stated that he would like an employee to make the connections and recommended that the OEM Coordinator establish the System for the Township.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Committee authorized Warren Gabriel to create a Nixle Early Warning System account for Lebanon Township and designated Mr. Gabriel as the Administrator of the account.

Animal Control Officer Resignation

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Tom McCreary as the Animal Control Officer and thanked Tom for his years of service.

Hunterdon County Food Pantry – Request for Meeting

The Hunterdon County Food Pantry sent a letter to the Township Committee requesting a meeting. Mayor Wunder will contact the Food Pantry to arrange for a meeting.

Personnel – DPW Manager

Attorney Cushing stated that this is a personnel matter in which a Rice Notice was issued to Warren Gabriel. Mr. Gabriel stated that he was not informed as to why he was asked to be at the meeting. Attorney Cushing stated that Mr. Gabriel has elected to have the matter discussed in public. Mr. Milkowski stated that he asked for Mr. Gabriel to be given the Rice Notice. Mr. Milkowski stated that there was an issue with Mr. Gabriel using the office in the Fire House. The DPW has been using Fire Station No. 1 during the construction of the new DPW Garage. Mr. Milkowski stated that Mr. Gabriel's access to the Firehouse was terminated due to a suspension from the Fire Department. This caused a problem for Mr. Gabriel to do his Township work so Mr. Milkowski made contact with the Fire Chief and Mr. Gabriel to meet and arrange for access during business hours. Things were worked out. Mr. Milkowski stated that this was the original reason for the issuance of the Rice Notice.

Mayor Wunder asked if the downstairs of the Municipal Office would work as an office for the time being. Mr. Milkowski stated that it is difficult since the DPW employees and equipment are not here.

Mayor Wunder asked Mr. Gabriel if he checks sites with the Engineer or Soil Conservation when disposing of dirt from Township projects. Mr. Gabriel stated that the Township has never done contacted anyone. Mayor Wunder asked if there should be a designated area to put the soil.

Mr. Milkowski stated that there is a water tank being installed on the Fire Dept. property by the contractor. Mr. Milkowski stated that the issue is that they are using DPW equipment and employees to move the dirt and find sites to dispose of it. In the contract, it is the Contractor's responsibility to handle the dirt. Mr. Milkowski feels that the Township is paying twice for the work. Mr. Milkowski stated that he spoke to Mr. Gabriel about the matter and he stopped transporting the dirt. Mr. Gabriel stated that the Contractor was removing the dirt however; they could not get a tandem truck into a few of the resident's properties who had requested dirt, so the DPW brought it to the properties. It may have been a few hours of work. Mayor Wunder suggested that in the future the residents should put something in writing requesting the dirt. Mr. Gabriel stated that he has worked for the Township for 27 years and DPW has never asked for a request in writing. Mayor Wunder stated that if there are large amounts of dirt, the Engineer should review a location for the dirt to be deposited. Mr. Gabriel will check with Soil Conservation to see of any requirements.

Mayor Wunder stated that when there is a large road job to be done, such as the Mt. Airy project, the Engineer should be involved. Mr. Gabriel stated that he did meet with the Engineer a few times regarding the project but the Engineer did not prepare any drawings. Mayor Wunder stated that Mr. Lou Baker came in with concerns about the project and the pipes running across his property. Mr. Gabriel stated that Mr. Baker was concerned with it not being topped right away but he has not heard of an issue since. Mayor Wunder stated that as a protocol, to cover the Township, the Engineer should be involved and review the project. Mr. Gabriel stated that there is just extra cost associated with the project then. Mayor Wunder stated that sometimes that just has to be done.

Mr. Milkowski stated that there is a permit required, through Soil Conservation, in the transporting of smaller amounts of dirt. The permit is to be acquired by the land owner not the Township.

DPW Garage Project – Electric Service

Mr. Milkowski stated that there was a DPW Garage Project meeting held yesterday. Electric work needs to be done and the transformer and pole need to be upgraded. JCP & L will do the work at a cost not to exceed \$10,000.00. Mr. Milkowski stated that he spoke to Mr. Gabriel and they agreed that the guide

wire from the pole will be right near the driveway, near the parking area, of the DPW. Mr. Milkowski contacted the Architect to inquire on the price to run the electric underground across the road. He is waiting for the Architect's response. Mr. Milkowski stated that the power will run across the road to another pole and then underground. Mr. Milkowski stated that the cost upfront may save quite a bit in the long run.

Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Committee authorized JCP & L to run the electric for the DPW Garage at a cost not to exceed \$10,000.00. The payment will be made through a Purchase Order.

Engineer Correspondence - FEMA Meeting Representative

Mayor Wunder stated there a letter was received from the Township Engineer Steve Risse stating that there will be a FEMA meeting regarding the flood effected properties on Raritan River Road. Mayor Wunder stated that he was not planning on attending and asked for a volunteer to attend. Mr. McKee will attend the meeting with Engineer Risse on June 27, 2012.

COMMITTEE REPORTS

COMMITTEEWOMAN SCHRIVER- Absent

DEPUTY MAYOR MILKOWSKI- Mr. Milkowski stated that the Fire Tank is in at the DPW Garage site. It appears to be over the property line. The surveyor will be coming out to verify the location. When the tank was installed it appears that they may have used the wrong back fill material. An analysis is being conducted of the material. It is being sent to the tank manufacture to see if it is acceptable. They are also working on the electric issue.

Mr. Milkowski stated that the Phase II will be the responsibility of the owner at a cost of \$45,460.00. The portion for the witnessing the tank removal will be the responsibility of the Township at a cost of \$2020.00 to protect the Township.

There were no meetings regarding the Highlands since the last Committee meeting.

MAYOR WUNDER- Mayor Wunder stated that last week he went to the Clerk's luncheon meeting. Director Freeholder Rob Walton spoke about Shared Services. Mayor Wunder stated that the subject did not seem to be well received on the Clerk's level. It seems to be more favorably received by the elected officials.

Mayor Wunder will be meeting with the Food Pantry.

COMMITTEEMAN MCKEE – Mr. McKee stated that the standing committees are in good order.

COMMITTEEMAN MORRISON –

Police, Fire and Rescue- Mr. Morrison stated that Police and Fire are up to date.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the June 20, 2012 bill list in the amount \$2,657,715.79. The Windsor Barrel payment is to be held until the order is delivered.

CORRESPONDENCE

- a. NJ Highlands Water Protection and Planning Council – June 5, 2012
- b. Tax Collector's Report for the Month of May 2012
- c. Mr. John Anderson – Fire and EMS

PUBLIC COMMENTS

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

There were no comments from the public.

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

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 59-2012 and convened in executive session at 7:48 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 59-2012

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:

Personnel
Cellco Contract
First Aid Squad Building
Litigation
Collective Bargaining
Professional Contract

Action may be taken at the recommencement of the public session.

The Township Committee convened the Regular Committee meeting at 8:31p.m.

Attorney Cushing stated that in Executive Session the Township Committee discussed engaging an auditor to audit the LOSAP processes followed by the Emergency Services. This decision came

about as there was some confusion as to the correct process to be followed in preparing the LOSAP submissions. The Committee feels that the prudent thing to do would be to obtain an outside Auditor to provide advice on if the processes that have been followed were correct and to provide suggestions on how they can be improved.

Attorney Cushing stated that his office has prepared a draft set of Requests for Proposals for Auditor Services. The Clerk has obtained names of auditors, from the Dept. of Community Affairs, who have experience with LOSAP.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the sending out of Requests for Proposals for Special Audit Services. AYES: Wunder, McKee, Morrison ABSTAIN: Milkowski

Attorney Cushing stated that the Committee also discussed the ongoing Cellco Contract. Attorney Cushing thanked Mr. Casale for his input during the meetings as he has had very important comments. The Committee discussed the status of the First Aid Squad Building, the Hyland Litigation, which is on for trial on Friday and Collective Bargaining. The Mayor and Committee also considered some technical issues with the construction for the DPW Garage.

Having no further business to come before the Committee a motion was made by Mayor Wunder seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 18, 2012

Brian Wunder, Mayor