

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 servicemen and women.

ROLL CALL

Present - Thomas McKee Ronald Milkowski Bernard Cryan
 Brian Wunder Marc Laul

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 19 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of July 1, 2015

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of July 1, 2015.

Minutes of the Executive Session Meeting of July 1, 2015

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the executive session meeting of July 1, 2015.

PUBLIC COMMENTS – for agenda items only.

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.

LTVFD President Paul Ibsen and Chief Tom Carlucci were present. Mr. Ibsen stated that they noticed the letter of support, which Mayor McKee wrote for the Fire Department, was listed on the agenda.

Mr. Ibsen thanked Mayor McKee on behalf of the Fire Department, their families and friends, for writing the letter. Mr. Ibsen stated that it has been a long road with the LOSAP issue. It was more than three years ago that the Fire Department came before the then seated Township Committee and requested to meet with the Township Attorney about the problem. The Township Committee denied their request. Mr. Ibsen noted that the problem has gone through the prosecutor's office, the Dept. of Community Affairs, the Attorney General's office, the State Comptroller's office and the State Fireman's Association. Mr. Ibsen feels that the report released by the State Comptroller's office is a "roadmap" to institute the LOSAP program again and demonstrates what needs to be done in the future. Mr. Ibsen stated that the Fire Department is prepared to work with the Committee to get past the issue and move forward with the program.

Mayor McKee thanked the Fire Department for their support in his Mayor's Press Release. Mayor McKee noted that he fully supports the volunteers of the Township for their contributions. They put in a lot of time during weekends and evenings and spend time away from their families, friends and loved ones. Mayor McKee stated that he received a letter from a resident stating that they feel that the Mayor threw the Fire Department "under the bus" in his Press Release. Mayor McKee asked Mr. Ibsen if the Fire Department feels that he did so in his release. Mr. Ibsen stated that as far as he knows there is no one on the Fire Department that feels that way. Mayor McKee stated that he wanted to be sure that it was not misunderstood when he mentioned that the guys and gals are firefighters and not accountants. Mayor McKee stated that to say he was blaming the firefighters for the issue is farfetched. Mayor McKee stated that he was disappointed with the letter that he received. Mr. Ibsen stated that the Fire Department did not take the Mayor's comments as such and applauded the Mayor for his support.

Mr. Wunder stated that he took offense to the Mayor's Press Release as he did not mention Mr. Milkowski in it. He feels that it was wrong not to do so and to only mention the guys and gals of the Fire Department. Mayor McKee asked Mr. Ibsen if the Fire Department "stands with" Mr. Milkowski. Mr. Ibsen stated "yes we do" which is the general consensus of the Department. Chief Carlucci stated that that is the reason the Fire Department is present at this meeting.

Mr. Ibsen stated that the Fire Department would like to move on and work with the Committee to get the program up and running again.

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.

ORDINANCES

Ordinance No. 2015-04 – Registration of Public Utilities

Public Hearing

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2015-04 was opened.

There were no comments from the public.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2015-04 was closed.

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2015-04 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2015-04
ORDINANCE REQUIRING THE REGISTRATION OF PUBLIC UTILITIES FOR
EMERGENCY COMMUNICATION PURPOSES AND TO PROTECT THE PUBLIC
INTEREST IN EMERGENCIES**

WHEREAS, the Township of Lebanon (“Township”) Mayor and Committee has determined that it is in the best interest of Township residents that the Township be able to communicate directly with representatives of the public utilities servicing the Township in the event of an emergency so as to allow emergency services, the Township Emergency Management Coordinator and the Township Mayor to facilitate the prompt and efficient return of utility services and so that Township representatives can be away of and advise the community of the status of utility service reinstatement; and

WHEREAS, pursuant to N.J.S.A. 48:5A-25.1 and 47 U.S.C.A. § 253 (c) a municipality is entitled to manage public utilities operating within the municipality’s right-of-ways as long as such regulations are competitively neutral and non-discriminatory;

WHEREAS, the Township Committee has reviewed the proposed amendments and believe it is in the best interests of the municipality to adopt these amendments.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, that the following section is added to the Code of the Township of Lebanon (“Code”):

SECTION 1. Chapter ___ of the Code entitled “_____” is amended by adding section _____, as follows:

§___-_____ Definitions. For the purpose of this Ordinance, the following terms shall have the following meanings:

“Emergency” shall mean an interruption of service of the Public Utility Right-Of-Way User within the Township, or outside thereof if that interruption causes an interruption of service within the Township or damage to or by the equipment or facilities of the Public Utility Right-Of-Way User either or both of which affects the ability of the emergency services providers of the Township, or the Emergency Management Control Coordinator from fulfilling their duties to protect the public.

“Public Right-of-Way” shall mean the surface, the air space above the surface (to the extent such air space may be regulated by the Township) and the area below the surface of any public roadway, highway, street or alleyway, in which the Township has an interest, in fee or easement.

“Public Utility” shall mean every cable television service provider, every pipeline corporation, gas corporation, electrical corporation or company, telecommunications company, water corporation or company, heating corporation or company, or sewer corporation or company under the jurisdiction of the New Jersey Board of Public Utilities; every municipally-owned or operated utility; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the Public

Right-of Way. "Public Utility" shall also include a Public Utility provider that does not own facilities in the Public Right-of-Way but uses the Public Right-of-Way by interconnecting with or using the network elements of another Public Utility utilizing the Public Right-of-Way, and/or by leasing excess capacity from an other Public Utility.

"Public Utility Right-of-Way User" shall mean a Public Utility owning, controlling, or utilizing facilities in the Public Right-of-Way.

§__-__ Registration.

a. All existing Public Utility Right-of-Way Users shall register yearly with the Township Clerk within thirty (30) days from the effective date of this Ordinance. Any Person who is not a Public Utility Right-of-Way User prior to the effective date of this Article and who desires to become a Public Utility Right-of-Way User must first register with the Township. The initial registration of a Public Utility Right-of-Way User shall be for the balance of the calendar year in which initial registration occurs. Thereafter, registration shall be on a calendar year basis. The Public Utility Right-of-Way User shall submit its renewal registration information by November 15 of the before the next calendar year.

b. No Public Utility Right-of-Way User shall be authorized to use the Public Right-of-Way without registering with the Township Clerk.

c. A Public Utility Right-of-Way User shall report any changes in its registration within thirty (30) days of the change. Failure to report any change shall be a violation of this Section.

d. The valid registration shall be on the form provided by the Township and at a minimum shall include the following: (i) Identity and legal status of the Public Utility Right-of-Way User; and (ii) Name, address, telephone number and e-mail address of the employee, agent or officer of the Public Utility Right-of-Way User responsible for the accuracy of the registration statement. Such employee, agent or officer shall be the Person to whom notices shall be sent, and shall be responsible for facilitating all necessary communications; and (iii) Name, address, telephone number and e-mail address of the employee, agent or officer of the Public Utility Right-of-Way User who shall be available at all times (24/7) to act on behalf of the Public Utility Right-of-Way User in the event of an Emergency and who shall be the person designated by the Public Utility Right-Of-Way User to be in charge of providing repair and maintenance services for the facilities and equipment of the Public Utility Right-Of-Way User within the Township; and (iv) Proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity; and (v) Description of the Public Utility Right-of-Way User's use or intended use of the Public Right-of-Way; and (vi) Information which identifies any entity that uses the Public Utility Right-of-Way User's Facilities in the Public Right-of-Way or leases any space from the Public Utility Right-of-Way User; and (vii) A list of authorized agents, contractors or subcontractors eligible to obtain permits on behalf of the Public Utility Right-of-Way User.

e. Except as provided in this Section, or as otherwise required by Federal, State, or local law, no registration may be transferred without the written consent of the Township. Any entity not named on a valid registration, including any affiliates or successors in interest to a registered Public Utility Right-of-Way User, must register in accordance with this Section or receive written authorization to transfer the registration. The Township shall not unreasonably withhold its consent to transfer as provided herein. This subsection will not apply to cable television operators where such authority to permit transfers is vested in the Office of Cable Television and the Board of Public Utilities pursuant to N.J.S.A. 48:5A-43 and N.J.S.A. 48:5A-19.

f. The fee to obtain an initial Registration Statement shall be \$50; the fee for any amendment or renewal thereto shall be \$25. This fee is waived pursuant to N.J.S.A. 48:5A-30 for cable television operators and considered to be paid as part of the required franchise fee. The Township Clerk shall send a copy of this ordinance to all Public Utilities of which the Township is aware upon its adoption in

accordance with law. The failure of a Public Utility to receive a copy of this ordinance shall not absolve it from the registration requirement.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall take effect on September 1, 2015.

Introduction

Ordinance No. 2015-05 – Municipal Consent to Comcast

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2015-05 on first reading as entitled below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2015-05
AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO
CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND
COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF LEBANON, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY**

Public Hearing to be held on September 2, 2015

Introduction

Ordinance No. 2015-06 – Procedure for Appointment of Chief of Police/Promotion in Police Dept.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2015-06 on first reading as entitled below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2015-06
ORDINANCE ESTABLISHING PROCEDURE FOR THE APPOINTMENT
OF CHIEF OF POLICE AND PROMOTIONS WITHIN THE POLICE DEPARTMENT**

Public Hearing to be held on September 2, 2015

Introduction

Ordinance No. 2015-07 – Peddling and Soliciting

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2015-07 on first reading as entitled below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2015-07
AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF THE TOWNSHIP OF
LEBANON REGARDING PEDDLING AND SOLICITING**

Public Hearing to be held on September 2, 2015

RESOLUTIONS

Resolution No. 55-2015 – Plenary Retail Consumption License Renewal

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 55-2015 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 55-2015
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES**

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted an application to the State of New Jersey Division of ABC; and

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

WHEREAS, said Licensee has 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 Licensee is hereby granted a renewal for the 2015-2016 year:

1019-22-007-001 LEDYARD B. SCHUYLER, JR - RIVER STYX INN –374 Vernoy Road

Resolution No. - 56-2015 – Surface Treatment Program

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 56-2015 as written below.

**RESOLUTION NO. 56-2015
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING A CONTRACT WITH ASPHALT PAVING SYSTEMS FOR
THE PURCHASE OF SURFACE TREATMENT PROGRAM MATERIALS FOR THE
TOWNSHIP THROUGH THE NEW JERSEY STATE CONTRACT**

WHEREAS, the Township of Lebanon is a member of the New Jersey State Contract Cooperative Pricing System (the "Cooperative"), as defined and regulated by N.J.A.C. 5:34-7; and,

WHEREAS, under the Cooperative system, the State of New Jersey advertises and solicits bids for the services and/or materials required by the Cooperative members so that there is no necessity for the Township of Lebanon to separately advertise for such services and/or materials; and,

WHEREAS, the Township of Lebanon was in need of surface treatment program services and/or materials (the "Project") and therefore submitted to the State of New Jersey an estimated quantity of such that it required so the State of New Jersey, in accordance with the Cooperative, could advertise for bids on behalf of the Cooperative for such paving services and/or materials; and,

WHEREAS, the State of New Jersey, after publicly advertising for bids for the Project on behalf of the Cooperative, awarded the master contract for such to Asphalt Paving Systems; and,

WHEREAS, pursuant to N.J.A.C. 5:34-7.11, prior to entering into any contract with the successful bidder and/or ordering any materials from the successful bidder, the Township must pass a resolution awarding a contract to the successful bidder; and,

WHEREAS, the Township of Lebanon wishes to enter into a contract with Asphalt Paving Systems for the purchase and/or order of the paving services and/or materials it requires based on the estimated quantities it submitted to the State of New Jersey, at a cost of One Hundred and Ten Thousand Dollars (\$110,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township hereby awards the contract for surface treatment program services and/or materials for the Township to Asphalt Paving Systems in accordance with its membership in the State of New Jersey Cooperative Pricing System for One Hundred and Ten Thousand Dollars (\$110,000.00), and the Mayor and Township Clerk are hereby authorized to execute any such contract on behalf of the Township.

Resolution No. 57-2015 - Paving Materials

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous roll call vote, the Township Committee approved Resolution No. 57-2015 as written below.

**RESOLUTION NO. 57-2015
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF PAVING
MATERIALS FOR THE TOWNSHIP FROM TILCON THROUGH THE COUNTY OF
MORRIS COOPERATIVE PRICING SYSTEM**

WHEREAS, the Township of Lebanon is a member of the County of Morris Cooperative Pricing System (the "Cooperative"), as defined and regulated by N.J.A.C. 5:34-7; and,

WHEREAS, under the Cooperative system, the County of Morris advertises and solicits bids for the services and/or materials required by the Cooperative members so that there is no necessity for the Township of Lebanon to separately advertise for such services and/or materials; and,

WHEREAS, the Township of Lebanon was in need of paving resurfacing and program services and/or materials (the "Project") and therefore submitted to the County of Morris an estimated quantity of such that it required so the County of Morris, in accordance with the Cooperative, could advertise for bids on behalf of the Cooperative for such paving services and/or materials; and,

WHEREAS, the County of Morris, after publicly advertising for bids for the Project on behalf of the Cooperative, awarded the master contract for such to Tilcon; and,

WHEREAS, pursuant to N.J.A.C. 5:34-7.11, prior to entering into any contract with the successful bidder and/or ordering any materials from the successful bidder, the Township must pass a resolution awarding a contract to the successful bidder; and,

WHEREAS, the Township of Lebanon wishes to enter into a contract with Tilcon for the purchase and/or order of the paving services and/or materials it requires based on the estimated quantities it submitted to the County of Morris, at a cost of Four Hundred Fifty Thousand Dollars (\$450,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township hereby awards the contract for paving resurfacing services and/or materials for the Township to Tilcon in accordance with its membership in the Morris County Cooperative Pricing System for Four Hundred Fifty Thousand Dollars (\$450,000.00), and the Mayor and Township Clerk are hereby authorized to execute any such contract on behalf of the Township.

Resolution No. 58-2015 - NJDEP – TWA APPLICATION

Motion by Mr. Laul, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved Resolution No. 58-2015 as written below. AYES: McKee, Milkowski, Laul, Cryan ABSTAIN: Wunder

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 58-2015
RESOLUTION IN SUPPORT OF TWA APPLICATION**

WHEREAS, Michael P & G, LLC, ("Property Owner") owns a property in Lebanon Township known as Block 12, Lot 14;

WHEREAS, certain health concerns exist with respect to septic conditions on the property; and

WHEREAS, the Property Owner has requested that the Township express its support by authorizing a Statement of Consent that authorizes certain improvements to the septic system in order to cure the health concerns on the property as more particularly described by the Property Owner's engineer on August 5, 2015 at the Lebanon Township's Board of Health meeting, and

WHEREAS, the Township supports efforts of the Property Owner to improve the septic system.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, hereby authorizes the Mayor and Clerk to execute the Statement of Consent for a Treatment Works Approval Application submitted by Michael P & G, LLC, to the Department of Environmental Protection, Permit NJG0203181

OLD BUSINESS

LOSAP

Mayor McKee stated that the Township received the final report from the State Comptroller's office and asked for the Committee's comments on how to move forward. Mr. Wunder stated that the report is being forwarded to the Local Finance Board. Mayor McKee stated that he would like to focus on the future of the LOSAP program in the Township. Mr. Laul stated that he read the Fire Department bylaws and the Township's ordinance and he does not feel that they work well together. Mr. Laul suggested that possibly the Fire Department should rewrite the bylaws. Chief Carlucci stated that the bylaws were amended in the recent past to incorporate the EMS.

Mr. Cryan stated that at the beginning of the LOSAP issue, he and Mr. Milkowski have been recused from discussing or voting on the matter. Mr. Cryan asked if Mr. Wunder should be recused from the subject matter also. Attorney Cushing stated that Mr. Cryan had been recused because he was past president of the Fire Department. Attorney Cushing noted that he does not think that there is a legal reason for Mr. Cryan to be recused at this time. Mr. Cryan stated that he does not feel that a person, who was named as possibly being in violation of the program, should be taking part in discussions and voting on how to move forward.

Mr. Laul feels that the LOSAP program and the Fire Department's bylaws are simple but he does not think that they work well together. He wants to be sure that there is no confusion and that all of the members understand the program. Mr. Laul stated that since the bylaws and the ordinance do not work well together it becomes a point of interpretation for the person who is administering the program. Mr. Laul stated that he would be happy to be the non- subjective administrator of the program as he would like to see it continue. Mayor McKee asked Mr. Laul if he feels that the investigation of the LOSAP program is closed. Mr. Laul stated that he feels that the Comptroller's investigation is over but the outcome of the investigation is beyond his control. Mr. Laul stated that the program now needs to move forward. Mr. Laul stated that it needs to be redefined as to what active participation is. Mayor McKee stated that some volunteers can give an incredible amount of time where others cannot; however, if they meet the point systems they should get credit.

Mayor McKee asked the Committee if they feel that the LOSAP investigation is over. Mr. Wunder stated that according to the Comptroller's office the investigation is not over. The matter is now being forwarded to the Local Finance Board. Mayor McKee stated that two individuals will be looked at by the Local Finance Board. Mayor McKee stated that the investigation is over and it is time for the Township to move on and fix the program. Mayor McKee suggested looking at the dormant accounts and, on paper, give each member a qualifying year. This may change the dormant accounts as there may be members that become vested. Then those who received contributions and those who did not will need to be looked at. The money in the dormant accounts can then be moved into the proper locations. Mayor McKee suggested working with the Fire Department to accomplish this and then the findings should go to an accountant for review. Mayor McKee feels that the Comptroller will come back to look at the progress that has been made. He feels that the program can be fixed and the feuding needs to stop.

Mr. Wunder stated that he is all for fixing the program but questions any restrictions there may be in the ordinance. The ordinance may need to be amended.

Mr. Laul stated that he would like to see the black cloud lifted from over the Fire Department.

Mr. Ibsen stated that the Fire Department looks forward to working with the Township.

Mr. Wunder and Mr. Milkowski discussed the need to recuse themselves from the LOSAP matter. Mr. Milkowski stated that if Mr. Wunder does not have to recuse himself why should he? Mr. Wunder stated that Mr. Milkowski should recuse himself because when he was the Deputy Mayor he made a motion at a Fire Department meeting to have LOSAP numbers provided to the Clerk for certification after he was informed that the numbers were fraudulent. Mr. Milkowski stated that Mr. Wunder voted to give himself a contribution the year before. Mr. Wunder stated that he recognized the problem and resigned from the Squad and he was never vested in the LOSAP program. Mr. Milkowski stated that Mr. Wunder voted two years in a row to give himself a contribution. Mr. Wunder does not believe that the LOSAP problem was a simple mistake and feels that Mr. Milkowski should have halted his actions once he was informed that there was an issue. Mr. Wunder stated that he feels that this was misconduct. Mr. Milkowski could have come to the Committee to discuss the issue. Mr. Milkowski stated that the Mayor would not let the Fire Department speak to the Township Attorney. Mr. Wunder stated that Ms. Schriver asked Mr. Milkowski many times to provide the facts to the Committee and he did not. Mr. Milkowski stated that he was not permitted to speak at that time. Mr. Wunder feels that the entire issue is a result of Mr. Milkowski's actions. Mr. Wunder stated that Mr. Milkowski made up rules such as the qualifying year. Mr. Milkowski stated that the qualifying year began at the start of the LOSAP program in the Township. Mr. Wunder stated that the qualifying year is not in the ordinance and the ordinance is not a guideline as Mr. Milkowski indicated in the past. Mr. Milkowski stated that at the inception of the program all members were subject to a qualifying year and he thought that it continued on. It was his misunderstanding. Mr. Milkowski stated that some members did not apply for the program which they needed to in order to participate.

Mr. Wunder stated that he was disappointed in Mayor McKee and the Township Attorney as to the way the Press Release came out because it was not authorized by the Committee. Mayor McKee stated that the Press Release was discussed by the Committee in executive session and a general consensus was taken. Mr. Cryan stated that he feels that what was lacking in the Comptroller's report was the way it came across, which enabled the media to sensationalize it. Mr. Cryan stated that due to this he felt that it was important to get a message out to the public. Mr. Cryan stated that he needs to give the Mayor some leeway to do things that need to be done. Mr. Cryan noted that the Comptroller's office investigated four departments in the State and all four had problems with some worse than the LTVFD. Mr. Cryan stated that this indicates a systemic issue. Mr. Cryan stated that although he and the Mayor did not have a chance to discuss the discharge of the Press Release he appreciated that the Mayor took the lead to contact the attorney and getting a communication out. This let the Fire Department know that the Committee was not turning their backs on them and that they are supported by the Committee. The articles written in the newspaper were very negative to Volunteer Fire Departments. Mr. Cryan questioned why there are not educational programs to help individuals understand LOSAP, if it is such an issue to the Comptroller. Mr. Cryan thanked the Mayor for his efforts.

Mayor McKee noted that in the Comptroller's draft report they indicated that there may have been oversight on their part and not enough input with the communities.

Motion by Mayor McKee, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee authorized the release of the May 6, 2015 executive session meeting minutes relative to the LOSAP press release only.

Mayor McKee read from the May 6, 2015 executive session meeting minutes which were approved by the Township Committee on May 20, 2015. Mayor McKee stated that due to the Committee discussing the Press Release in the executive session he does not understand Mr. Wunder's comments about the Committee not being aware of the Release.

Mr. Cryan stated that when he read the Mayor's Press Release he only saw that the Mayor was reassuring the Fire Department that the Committee was there for them and that they had their backs. The Township Committee did not view them as the newspapers did. He does not understand the issue.

Mr. Wunder stated that Mayor's Press Release is not actually what was released to the papers. Mayor McKee stated that the Release was changed by him. Mr. Wunder stated that the Mayor does not really have the authority to change it. The five members of the Committee should have been made aware of the changes. Mayor McKee stated that he protected Mr. Wunder and Mr. Milkowski by changing the Press Release as well as others. Mayor McKee stated that he wants to focus on the Fire Department and they do not seem to have a problem with his Release.

Mayor McKee asked the Fire Department if they feel that Mr. Wunder supports them. Chief Carlucci stated that he believes that the majority of the Committee supports the Fire Department.

Mr. Wunder stated that the LOSAP issue happened and then another member of the Fire Department becomes a Committeeman. He feels that it was wrong for Mr. Cryan to run for Committee with all of the chaos that was going on. Mr. Wunder stated that in his opinion he does not feel that it was fair to the residents of the Township.

Mr. Cryan stated that he was elected by the residents of the Township. Mr. Wunder stated that the Fire Department is 1% of the community and the other residents need to be considered as it is only fair.

Deputy Chief James Crampton asked Mr. Wunder that since he is a member of the Fire Department should he have no political involvement in the Township? Mr. Wunder stated that he does not feel that it is good judgement in doing so.

Mr. Wunder stated that he has received comments from the community stating that the Fire Department having a majority on the Committee is not correct.

Motion by Mayor McKee, second by Mr. Laul and carried by roll call vote, the Township Committee established that the State Comptroller's investigation of the LOSAP program is complete and it is time for the Township to correct the problems. AYES: Wunder, McKee, Laul, Cryan ABSTAIN: Milkowski

Mayor McKee stated that a subcommittee needs to be formed to work on the program. Mr. Laul had stated his interest in sitting on the subcommittee. Attorney Cushing recommended that Mayor McKee sit on the subcommittee as well as it will avoid all issues of conflicts.

Motion by Mr. Laul, seconded by Mr. Cryan and carried by roll call vote, the Township Committee authorized Mr. Laul and Mayor McKee to work as a subcommittee with the Fire Department to restructure the LOSAP program in the Township. AYES: Wunder, McKee, Laul, Cryan ABSTAIN: Milkowski

Mr. Wunder asked for all to agree that mistakes were made that justified action of some sort. Mayor McKee stated that he agreed that mistakes were made. Mr. Cryan stated that he believes that mistakes were made but does not believe that there was criminal intent involved. Mr. Wunder stated that that remains to be seen.

Mr. Wunder addressed the Committee; however, excluded Mr. Laul from his comments. Mr. Wunder stated that the Committee has lost most of his respect. He feels that the Comptroller's report validated that the three Fire Department members who withdrew from LOSAP were correct. They claimed that possible fraudulent LOSAP figures were approved by the members of the Fire Department, at their March 2012 meeting, and then forwarded to the Township Clerk for certification. Mr. Wunder noted that the three members were correct beyond a reasonable doubt. The report verified that the violations of the program were worse than first suspected. Mr. Wunder thanked the three members of the Fire Department as well as all of the honest members of the Department and the community for their integrity, honesty and courage to tell the truth. Mr. Wunder gave special thanks and an apology to the Township Clerk for the way in which she was treated. Mr. Wunder stated that the Clerk stood her ground and noted that he took issue with the unprofessional and rude manner in which she was treated. Mr. Wunder stated that the Clerk was correct and that is now confirmed also. Mr. Wunder stated that in looking back to the December 5, 2012 meeting, he as Mayor declared that the honor of the Township was on the line with the LOSAP issue and he does not feel that the issue is now completely over.

Ptl. Chris Gurneak Memo – Retirement

The Township Committee received a letter from Ptl. Chris Gurneak stating that after careful thought he has decided that it would be in his best interest to continue on as a member of the Police Department. Ptl. Gurneak asked the Township Committee to permit him to continue to serve the residents of the Township and apologized for any inconvenience his prior correspondence may have caused.

Motion by Mayor McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted the fact that Ptl. Chris Gurneak is withdrawing his request for retirement subject to the Attorney review.

NEW BUSINESS

Department of Agriculture Correspondence – Gypsy Moth Survey

Motion by Mr. Milkowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a Gypsy Moth Survey to be conducted by the NJ Dept. of Agriculture.

Recreation Commission Appointment – Frances Polizzano

Mayor McKee appointed Frances Polizzano to the Recreation Commission.

Blue Light Application – Nathaniel Patterson

Motion by Mr. Cryan, seconded by Mr. Wunder, and carried by favorable roll call vote, the Township Committee approved a Blue Light Permit for Nathaniel Patterson.

Application for Raffle License – Voorhees Vikings Booster Club, Inc. – Multiple Dates

Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a raffle license application for the Voorhees Vikings Booster Club, Inc. for events to be held on multiple dates.

Application for a Raffle License – Friends of Memorial Park – Few Dates

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a raffle license application for the Friends of Memorial Park for events to be held on a few different dates.

Application for a Raffle License – St. John Neumann Church – 12/6/2015

Motion by Mr. Milkowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved raffle license application for St. John Neumann Church for an event to be held on December 6, 2015.

Application for a Social Affair Permit – LTVFD– 9/19/2015- Rain Date 9/20/2015

Motion by Mr. Cryan, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for the Lebanon Township Volunteer Department for the “Day in the Park” event to be held on 09/19/2015 with a rain date of 09/20/2015.

Mr. Wunder noted that for those on the Fire Department who do not feel that he supports them, he has never denied a request made by the Department since he has been a Committeeman.

Application for a Social Affair Permit – St. John Neumann Church – 11/21/2015

Motion by Mr. Cryan, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for St John Neumann Church for an event to be held on 11/21/2015.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the August 5, 2015 bill list in the total amount of \$3,696,657.52.

CORRESPONDENCE

- a. Lebanon Township Park Committee July 13, 2015 Meeting Minutes
- b. Tax Collector’s Report for the Month June 2015

PUBLIC COMMENTS

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:16 p.m.

Ms. Laurie Ann Williams stated that the outcome of the Comptroller's report does not seem relevant as to whether the benefits should be reinstated for the volunteers and thanked the Committee for establishing a subcommittee to address the program. Ms. Williams suggested that the Committee consider posting the Comptroller's report on the Township's website so anyone who would like to read the details of the findings can. This may assist in closing the issue.

Mr. Fred Schlesinger thanked the Committee for paving the road in front of Mountain Farm. Money well spent. Mr. Schlesinger stated that he is not a member of the Fire Department but his wife is. He does have some experience in volunteerism and noted that it is extremely difficult to get volunteers to support the Fire Department. Mr. Schlesinger stated that he calls the members of the Fire Department his friends and stated that they are the finest people who volunteer for the Township and he is honored to know them. Mr. Schlesinger stated that they are not to be spoken down to and treated as children. They are men and women who are up during the night saving lives and without pay. LOSAP has no bearing on the members responding to calls in the Township because they are dedicated. Mr. Schlesinger thanked the Committee for their contribution for the cost of the radios for the Fire Department. He stated that when his wife would go into a fire he would feel very apprehensive that the radio system being used was not adequate in notifying someone if they were in trouble. The new radios have done a lot to resolve the problem and alleviate his fears.

Mr. James Crampton stated that he had the impression that Mr. Cushing is not the Fire Department attorney. Mayor McKee stated that Attorney Cushing is the Township's legal counsel. Mayor McKee noted that being a small community the Township Attorney would handle some of the Fire Department matters. In other towns, fire departments may have their own attorneys. Mayor McKee stated that he does believe that the Lebanon Township Fire Department does have an attorney. It is a policy decision of the Township Committee that should be made. Mr. Crampton stated a policy would avoid any confusion on the Fire Department's part. Mr. Wunder stated that he has some confusion with this issue also. Mayor McKee stated that the Committee should discuss the matter and make a decision.

Mr. Wunder stated that it is his understanding that the Township Attorney is supposed to represent the residents first then the Governing Body. Attorney Cushing stated that he reports to the Township Committee as this is a republican form of government. The public elects the governing body who appoints the attorney to receive advice directly. Mr. Wunder stated that if there is an issue with a governing body member, as in the past with Mr. Milkowski, the Township Attorney should not represent the governing body individually. Attorney Cushing stated that with regard to Mr. Milkowski's issue; the Committee voted to authorize an action through the Local Finance Board in 2013. There was a vote by the Committee to pursue charges against Mr. Milkowski. Attorney Cushing stated that at that time he denied the request as he did not feel that it would be appropriate for him to pursue charges against a Committee member and suggested to the Township Committee that they hire a different attorney to do so. The Committee ultimately decided to go in a different direction and the issue became moot. Attorney Cushing stated that he is hired by the Township Committee and answers to them. Mr. Wunder asked Attorney Cushing if he can represent an individual committeeman. Attorney Cushing stated that he can if authorized by the Township Committee to do so.

Mr. Cryan stated that when the questions were brought up at a Fire Department meeting on whether the LOSAP program was being managed properly four of the officers met to find out what needs to be done and how to straighten it out. They reached out to a few attorneys and were told to go to the Township Attorney for advice. Mr. Milkowski was not involved with the meeting and had no part of the decision to reach out to Attorney Cushing.

Ms. Annette Lemenze said that she is happy that the Township can move on from the LOSAP matter at this time. Ms. Lemenze asked if it is necessary to have the program since it has caused such a problem and said that if it is not a lot of money why does it need to be given to the volunteers. She suggested putting the money toward getting the firefighters gear or clothing. This may benefit them more as it may be "more dear and near to their hearts" as opposed to money in their pockets. Mayor McKee stated that there was a referendum in 1998 and there are statues that need to be followed. Attorney Cushing would need to answer the questions. Ms. Lemenze stated that maybe the Fire Department can be asked the question as to what it is that they would like as a benefit. Attorney Cushing stated that he represents many municipalities that mostly all have LOSAP and he has never seen an issue or a controversy with the program. There was just a problem in the Township that completely blew up.

Ms. Lemenze stated that since the subcommittee will be discussing the issue she feels that part of the discussion needs to be on improving the reputation of the Fire Department. She feels that with all that has been in the newspapers and on social media people think that the once highly viewed organization is now just a group of "dirty crooks".

Motion by Mr. Laul seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:38 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 2, 2015

Thomas McKee, Mayor