

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 Francis Morrison
Bernard Cryan Ronald Milkowski

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of August 21, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of August 21, 2013.

AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

Minutes of the Executive Session of August 21, 2013

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of August 21, 2013.

PUBLIC COMMENTS – for agenda items only.

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

Mr. Anthony Casale asked if the Committee has reviewed the Ordinance 2013-10 and questioned what the proposed amendment is. Mayor McKee informed Mr. Casale that the ordinance pertains to

supplementary apartments. Mr. Milkowski stated that the amendment is clarifying the date of the adoption of the section as July 1, 1987.

Ms. Laurie Hoffman asked if the items that are being requested by the DPW are in the Capital Budget and inquired on if the departments need to request approval for the purchase even though it is in the budget. Attorney Cushing stated that the budget creates the approval for the spending but does not execute the expenditure.

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

ORDINANCE

Ordinance 2013-10 – Revise, Amend and Supplement the Code of the Township

Motion by Mr. Morrison, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2013-10 as entitled below.

ORDINANCE NO. 2013-10
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED “ZONING”, SPECIFICALLY
SECTION 400-11 TITLED “CONDITIONAL USES”

Public Hearing to be held on October 2, 2013.

RESOLUTION

Resolution No. 74-2013 - Bond Anticipation Note

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 74-2013 as attached.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 74-2013
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, DESIGNATING A
\$5,165,912. BOND ANTICIPATION NOTE, DATED SEPTEMBER 6, 2013 AND
PAYABLE SEPTEMBER 5, 2014, AS “QUALIFIED TAX-EXEMPT OBLIGATION”
PURSUANT TO SECTION 265 (b)(3) OF THE INTERNAL REVENUE CODE OF 1986,
AS AMENDED.

OLD BUSINESS

Chief Mattson Correspondence – Countywide Law Enforcement Mutual Aid Agreement

Attorney Cushing stated that he has written a letter to Prosecutor Kearns which should be mailed tomorrow. The letter states that Attorney Cushing's office previously wrote to the Prosecutor regarding proposed changes to the Countywide Law Enforcement Mutual Aid Agreement and asked if he has any questions or concerns with the changes. Attorney Cushing stated that if the Prosecutor finds the changes to be acceptable he will make the changes, if not, it can be worked out. Once acceptable to all, the agreement can be executed. Attorney Cushing stated that a number of towns have raised questions on the agreement and he has been led to believe that Prosecutor Kearns is okay with amendments. Mr. Milkowski asked if all prior Mutual Aid Agreements will be voided once the Township enters into the County Agreement. Attorney Cushing stated that he feels that this agreement will replace all prior agreements.

Board of Adjustment – Unexpired Term Appointment

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Joseph Maurizio to fill the unexpired term of Albert Nagie which will expire on December 31, 2013.

Mr. Kirchner Complaint

Mr. Cryan stated that he met with Mr. Kirchner at his home on Berry Drive to view his property and the proximity of the quad track that is located on his neighbor's property. Mr. Kirchner provided Mr. Cryan with copies of two letters that he and the neighbors were planning on sending to the individual and asked that he distribute it to the Committee. Mr. Kirchner informed Mr. Cryan that they were going to try again to work the problem out as neighbors. Mr. Cryan informed Mr. Kirchner that if the neighbor's attempts do not work than possibly the Committee can send a letter to the neighbor to in an effort to resolve the problem.

Maple Lane Drainage Problem

Mr. Cryan stated that he met with a resident on the corner of Maple Lane and Trimmer Road regarding drainage issues that she is having. The resident informed Mr. Cryan that this drainage issue was discussed by the Township Committee last year; however, discussion ceased. Mr. Cryan stated that there has been additional work done in the area which has exasperated the problem. Mr. Cryan went to see the property with the DPW Supervisor and discussed possible solutions. Mayor McKee stated that the Township Engineer had done some engineering at Maple Lane and Trimmer Road but he does not believe that it went any further from that point. Mr. Cryan stated that the resident is very concerned about her septic being flooded. Mr. Cryan informed the Committee that the DPW Manager had a few suggestions on improving the problem. Mr. Cryan asked the Committee if they would like him to look into assisting the resident with the drainage problem. The Committee authorized Mr. Cryan to look into possible remedial options.

LOSAP

Mr. Cryan and Mr. Milkowski left the meeting.

Attorney Cushing stated that he received a call from the State Comptroller's office who has been looking into LOSAP issues in a number of different municipalities in the State including Lebanon Township. Attorney Cushing noted that he is not sure how the Township was chosen to be one of the towns whose records were to be looked at. Attorney Cushing explained that the Comptroller's office is an agency of the State that has the responsibility of examining procedures at the State and local level to be sure that they are run efficiently and consistent with the law. Attorney Cushing stated that he spoke with an attorney and an investigator who were very concerned about the issue of the interpretation of the LOSAP ordinance and whether the procedures followed by the Fire Department, in applying the LOSAP ordinance, were correct. The question of this issue was brought up in the Township a year ago also and consequently, the Committee hired an outside auditor, who was recommended by the State. The special auditor was to take a look at the Township's procedures and provide advice on whether the procedures were followed correctly. The special auditor conducted the review and submitted a report and a supplemental report to the Committee. Based on the reports, the Township Committee decided to have the Township's Auditor, using the special auditor's reports as a foundation, come up with recommendations to correct any deficiencies that were found. This is being done at the present time. Attorney Cushing stated that an issue that was not specifically addressed in the special auditor's reports was the issue of whether or not there was a necessity to have the ordinance interpreted based on the bylaws of the Fire Department. The specific issue being raised by the representatives from the Comptroller's office is that the ordinance calls for active members to participate in LOSAP and the representatives looked at the bylaws of the Fire Department and they actually have a definition of "Active Membership". The representatives questioned if the outside auditor had taken into consideration the definitions in the bylaws in determining how to apply the ordinance. Attorney Cushing informed the representatives that he was not sure and that they would have to speak to the special auditor about it. The argument made by the representatives was that "Active Member" is used in both the bylaws and in the ordinance so wouldn't you use that terminology to interpret what the requirement would be to obtain LOSAP benefits. Attorney Cushing stated that there are arguments on the other side that have been stated that the background of the LOSAP ordinance is that it could only come into existence after a referendum. A referendum was passed which authorized the LOSAP program in the Township. Attorney Cushing stated that he is not sure at this time but doubts that there was a definition of "Active Member" in the referendum documents. Attorney Cushing will review the documents to verify the language. Attorney Cushing stated that there is no definition in the ordinance as to what "Active Member" means. Another point was made that the special auditor's view was that if a volunteer of the fire Department actually fulfilled the responsibilities and conditions under the ordinance, why would they be deprived of the benefits of the work that they did.

Attorney Cushing stated that he feels that the Township Auditor should be made aware of the issue so he can weigh in on it.

Attorney Cushing stated that he is not sure if the issue has any significance to any member but the issue needs to be brought to the attention of the public so they are aware. Attorney Cushing noted that he does not believe that the Comptroller's office has come up with a position on the issue and feels that they are exploring the issue to see if there were any consequences. They have been

LTCM

09/04/2013

Page 5 of 11

actively conducting research in the Township and Attorney Cushing believes that they will be contacting those involved in the process to obtain background information. Attorney Cushing stated that everyone in the Township would like the matter to come to a close and feels that the Township has been committed in trying to resolve the issue in a way that is fair to all.

Attorney Cushing stated that he had a discussion with Mr. Milkowski on whether Mr. Milkowski could bring information to everyone's attention regarding the LOSAP matter since he has the accurate background on the issue. Attorney Cushing noted that Mr. Milkowski and Mr. Cryan have recused themselves from any discussion because they were past members of the Fire Department. Attorney Cushing's thought was that Mr. Milkowski should not be participating and deliberating and he should not be participating in policy making with regard to the Fire Department but it would seem reasonable for him to provide factual information to the Committee like any other citizen. Attorney Cushing stated that Mr. Milkowski should not receive any special weight in terms of deliberations that the Committee may make because he provided the factual information.

Mr. Milkowski stated that he has the newspaper clipping from 1998 when the LOSAP resolution came before the Committee. Ms. Schriver and Mr. Art Gerlich were Committee members and Wesley Lance was the Township Attorney. The Committee passed the resolution to have LOSAP placed on the ballot. In the statement for the ballot question Attorney Lance stated that "we are explorers" as he knows of no other community in the State that has placed the LOSAP question on the ballot. Mr. Milkowski stated that being the first municipality there could have been things done differently, which he understands. Mr. Milkowski stated that the question was placed on the ballot and for every five people who voted that day, four of them voted in favor of the LOSAP program. Mr. Milkowski stated that it is a great feeling having that type of support. Mr. Milkowski stated that regarding the "Active Members", there are only certain classifications of memberships in the Fire Department. The only members who can respond to calls are active firefighters. There are contributing members, associate members and honorary members who cannot respond to calls. Mr. Milkowski stated that in the past the Fire Department instituted that 35% of activity is necessary to be able to vote on matters in the Fire Department and only active members can vote. The Department kept it that active firefighters could be in LOSAP. Mr. Milkowski stated that apparently there have been members whose activity dropped below 35% but the Department did not count that. If an active member dropped below 35% and the letter of the law was followed, a member could not make up their points because they were no longer allowed to respond to calls as they were not considered an active member.

Mr. Milkowski stated that he read in the auditor's report that there were members given points that they did not deserve. Mr. Milkowski said that the auditor was referring to points for work nights. Mr. Milkowski stated that there are work nights at the Firehouse which they gave meeting points for. The auditor stated that work nights are not considered meetings; they are considered work nights which fall under miscellaneous. Mr. Milkowski noted that a member is only permitted to accumulate a certain number of points under miscellaneous. If you add work nights and other activities there is no room to give points for all as you exceed the miscellaneous points permitted. Some members lost points in the review because the auditor took the work nights points away. Mr. Milkowski also stated that the Fire Department understood that if a member was elected or appointed to a position, for a year, they would receive points for it. Mr. Milkowski said that the State Association, which the Fire Department is a member, provides a very good death benefit. Once you have accumulated your points in the Association the death benefit carries through for the remainder of your life. It is an association well worth being involved in. Mr. Milkowski stated that there are Association officers who are elected by the Fire Department and they gave the officers LOSAP points for their positions.

LTCM

09/04/2013

Page 6 of 11

The auditor stated that this cannot be done and in turn members lost LOSAP points for this also. Mr. Milkowski stated that the Fire Department was doing what they thought was proper. They had no other guidance since there was no other municipality before them. It was the way it was set up and they continued with it. Mr. Milkowski stated that the biggest thing was to treat everyone equally, which is what they believed that they did.

Mayor McKee asked if an active member falls below the 35% can they respond to a fire? Mr. Milkowski stated that they can absolutely go as the 35% is only used for voting. Mr. Milkowski stated that years ago members transferred from other departments when they moved into the area. The Department was a strong group of individuals who stayed for years. They became not as active and would just do things around the firehouse. The active firefighters would need to vote on a piece of equipment and the older inactive firefighters, who still had voting rights, would vote down an item that the active and newer members needed. This is why the Department enacted the 35% active membership requirement. If your participation was at least 35% than you knew what was going on in the Department.

Mr. Milkowski stated that this why the 35% active membership was put in place, for voting purposes only. Mr. Milkowski stated that this was done way before LOSAP was ever heard of.

Mr. Cryan and Mr. Milkowski rejoined the meeting.

NEW BUSINESS

Raffle Application – St John Neumann Church – October 25, 2013

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for St. John Neumann Church for an event to be held on October 25, 2013.

DPW Manager – Request to Purchase a Pick-up Truck

The DPW Manager is requesting permission to seek bids for a new pick-up truck for the Public Works Department. The new pick-up will be replacing a 1998 Dodge Mason Dump which has 119,583 miles on it. There are many issues with the truck also. Mr. Cryan stated that Mr. Gabriel is requesting to seek bids for the pick-up because he feels that he can save the Township significant money by going to bid vs. the co-op pricing. Mr. Cryan stated that the co-op only offers a Ford and the GM product is running \$4000.00 or \$5000.00 less.

Motion by Mr. Cryan, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manger to seek bids for a new pick-up truck.

DPW Manager – Request to Extend Temporary Personnel's Employment

The DPW Manager is requesting permission to retain one of the summer employees until December 31, 2013. He would like to keep Branden Peschel as a DPW temporary employee. Branden's hourly rate will remain at \$13.00 dollars an hour. The DPW Manager has two employees out of work with workers compensation injuries and there is presently no return date for either one. There is also a third employee who is scheduled for another back surgery and is anticiapting being out of work for a minimum of four months.

Mr. Gabriel spoke to the CFO as Branden's salary is paid through the Clean Communities Grant for the summer employment. There is not be enough money to accommodate his salary until the end of the year. Mr. Della Pia advised Mr. Gabriel that there will be adequate funds in the 2013 DPW Salary Budget to cover Branden's salary when the Clean Communities Grant runs out.

Motion by Mr. Cryan, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to retain Branden Peschel as a temporary employee until December 31, 2013.

DPW Workforce –

Mr. Milkowski stated that he would like to research the possibility of making arrangements to seek out sub-contractors for snow removal this year. The Township does not have to use them but should get started on making arrangements in case they are needed. Mr. Milkowski stated that it appears that the DPW may be short-staffed this winter and he does not want to see the employees working

too many hours as that could run into problems. Mr. Cryan stated that he spoke to Mr. Gabriel at length about the issue and they are both in agreement that this is something to move forward on. Mr. Gabriel's only concern is that he would not like to enter into an agreement with a retainer which Mr. Cryan agreed with. They would like to bid or to look at labor rates on an as needed basis.

Groendyke Insurance will need to review insurance issues since the contractor's will be working on the Township's behalf. Any necessary insurance language will be added to the contract.

The Township Committee agreed to have Mr. Cryan and Mr. Gabriel look into quotes or bids for snow removal subcontractors. They will come up with technical specs and Attorney Cushing will work on the legal language.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the September 4, 2013 bill list in amount of \$26,889.72.

CORRESPONDENCE

Borough of Glen Gardner – Good Neighbor Appreciation Resolution

The Township DPW assisted Glen Gardner DPW by providing equipment for part of a Hill Road improvement project. The Glen Gardner Council adopted a Good Neighbor Appreciation Resolution in recognition of the DPW lending a hand. Mr. Cryan stated that one truck was lent to Glen Gardner for one week. Groendyke Insurance was contacted to verify insurance coverage and Mr. Tom Groendyke confirmed that Glen Gardner's insurance would cover the truck for any damages. The only possible issue would be if a Township employee was operating the truck, which was not the case. Mr. Cryan stated that Lebanon Township utilizes Glen Gardner's sweeper and vacuum for drain clean outs and this was an opportunity to reciprocate on a shared service basis. Mr. Milkowski stated that he could

LTCM

09/04/2013

Page 8 of 11

understand if it was totally Glen Gardner's project but there was a private contractor on the project also. Mr. Milkowski asked if there are any problems with mixing the two entities. He feels that the Township is doing the private contractors work and feels that the Township needs to be careful with that issue. Mr. Milkowski stated that when the towns are chipping they share trucks and it works out well but this is a different type of project.

Mr. Cushing stated that it is not a bad idea to have a shared services agreement for this type of thing.

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 at 8:01 p.m.

Mr. Anthony Casale acknowledged Mayor McKee and Mr. Cryan attending the Eagle Scout Court of Awards Ceremony and commended them for their time and efforts.

Mr. Casale questioned if the LOSAP audit was compromised since the active membership was not considered. Mr. Cushing stated that when he wrote the specifications he wrote them for an audit to be conducted. He then realized that his terminology was off as it is really a review as an audit has a legal connotation. Mr. Cushing stated that he is not sure if the review has been compromised and he is not sure what the Comptroller will come up with. The Comptroller's office does not command people to do things and as far as he knows they do not have an enforcement role. They have an educational role; they investigate and then make recommendations on how things can be improved. Attorney Cushing stated that he is not sure of what the Comptroller's office will make recommendations for but ultimately it is up to the Governing Body to decide on how to handle this situation. If the Governing Body is content with the Special Auditor's process and any recommendations made by the Township's Auditor then it is their decision to make. The Comptroller can disapprove of the decision made by the Governing Body. Mr. Casale asked if the Committee needs to wait for an opinion from the Comptroller, prior to proceeding with the review, to be sure that it is being handled correctly. Attorney Cushing stated that if they knew that they were going to receive a report from the Comptroller's office within a reasonable amount of time they might hold off so they can take into account the information they were provided with. However, Attorney Cushing stated that if the Comptroller's office cannot advise on when the report is going to come out then the Committee knows the issues they have raised and can make an evaluation on the issue. Attorney Cushing stated that he feels that there is a "cry from the public" to get this matter resolved.

Mr. Casale asked about the Squad building lease. Mr. Cryan stated that they are waiting for the Fire Department to get back with their available dates to meet again. Mr. Cryan and Ms. Schriver had an initial meeting with the Fire Department and they wanted to have their attorney to look at the agreement. Both parties have been trying to get back together and Mr. Cryan stated that he feels that they are very close in finalizing the agreement.

Mr. Casale asked what the status is of the prior Squad's records. Attorney Cushing provided the history of the documents. The Committee was not happy about taking the records due to the responsibility associated with keeping them. Attorney Cushing stated that the Township has not heard from Trustee or the prior Squad member relative to such.

LTCM

09/04/2013

Page 9 of 11

Mr. Casale asked about the status of the Cell Tower Lease. Mr. Cushing stated that nothing has happened and nothing is likely to happen until the co-locator is ready to move forward. Mr. Casale stated his disagreement with Attorney Cushing's thoughts and requested that another letter be sent to Nextel.

Mr. Casale asked if the Township Engineer sent a letter to the County Engineer regarding the site work that was to be done on County Route 513. Mr. Milkowski stated that the Engineer sent a letter to the County. Since then, there was a meeting held at the site and the Committee is now waiting to hear what the County's interruption is on the Township's concerns.

Mr. Casale stated that there is petition going around regarding residents having farm animals which is before the Planning Board at this time. Mr. Casale stated that in the 1980's the Committee made the decision not to enforce the animal ordinance. Mr. Casale stated that he would like the Committee to look back at the minutes to see what the Township decided and why. Mr. Casale stated that there are many signatures opposing the ordinance that is being created and questioned if anyone has come forward to object to having farm animals on small lots in the Township.

Ms. Laurie Hoffman stated that this is the second time that Mr. Gabriel wants to go out of the co-op to purchase an item. She stated that she thought that everything in the co-op is supposed to be cheaper. Mayor McKee stated that Mr. Gabriel researched the asphalt and the pick-up truck outside of the co-op and possibly he saw that he can do better. Ms. Hoffman asked if it is just Mr. Gabriel looking outside. Attorney Cushing informed Ms. Hoffman of the benefits of the co-op and stated that it is an option if the price is better; however, if you can get it cheaper somewhere else you would go with the cheaper price. Mr. Cryan stated that it would be easy for Mr. Gabriel to say that the funds are in the budget and just order the vehicle from the co-op. The fact that he is willing to go through the bidding process and add time to the process to save money for the Township, is a good thing. Ms. Hoffman stated that she does see how Mr. Gabriel spends money and looks for grants. Ms. Hoffman asked if there is going to be an open house for the DPW building. Mr. Cryan said he that he discussed it with Mr. Gabriel he is fine with any day. It will most likely be held on a Saturday morning.

Ms. Hoffman stated that last year the State advertised for individuals to use their equipment for snowplowing. They trained the individuals and called them on an as needed basis.

Ms. Laurie Hoffman stated that when the Committee discusses items that are not listed on the agenda it does not give the public the opportunity to speak on the issue. Mayor McKee stated that the Committee felt that it was important to provide the public with the LOSAP information as it was from the State Comptroller's office. Ms. Hoffman stated that it happens often.

Ms. Hoffman stated that the statements that Mr. Milkowski made should have been said more than a year ago. Ms. Hoffman stated that she understands that Mr. Milkowski sits on the Committee but he should have been able to make the statements as a resident to provide the information. It is now more understandable as to what happened. If statements such as Mr. Milkowski's are made there may be less confrontation.

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee closed the public comment portion of the meeting at 8:25 p.m.

Resolution No 75-2013 –Executive Session

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2013 and convened in executive session at 8:28 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 75-2013
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 **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: **Lien**

Claim _____ 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

LTCM

09/04/2013

Page 11 of 11

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.);

X Advice from Attorney 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.

Attorney Cushing stated that the Committee discussed under "Advice from Attorney" personnel matters and notifying certain employees of the rights and benefits they have under the Collective Bargaining Agreement, the Personnel Policy and Ordinance. The Committee discussed a Lien Claim which has been asserted by a Lien Claimant in the Walter Poppe matter, which is potential litigation. Also discussed, was the Wolek property acquisition and how to work out any issues with the Woleks.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 9:01 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 2, 2013

Thomas McKee, Mayor