

CALL TO ORDER

Mayor McKee called the meeting to order at 7:03 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 stand for the Flag Salute and for a Moment of Silence in memory of the tragedy that transpired in the Navy Ship Yard in Washington, D.C.

ROLL CALL

Present - Thomas McKee Patricia Schriver Francis Morrison
 Ronald Milkowski Bernard Cryan

Absent-

Also Present - Attorney Dick Cushing, Deputy Clerk Kimberly Jacobus and 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of September 4, 2013 were tabled.
Minutes of the Executive Session of September 4, 2013 were tabled.

PUBLIC COMMENTS – for agenda items only

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

Having no comment from the public, motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.

RESOLUTION

Resolution No. 76-2013 – Correction of Error in 2013 Tax List

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, The Township Committee approved Resolution No. 76-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 76-2013
CORRECTION OF ERROR IN 2013 TAX LIST

WHEREAS there exists an error in the tax amount listing for Block 24 Lot 17 Q farm Qualification Q0036, and

WHEREAS the land value of the farm should be \$4,356 as it has been in the past few years, and

WHEREAS a building value of \$182,800 was printed in the tax list in error

THEREFORE BE IT RESOLVED, that the Tax Collector utilize the intended value of \$4,356 in calculating the 2013 tax burden for this line item.

OLD BUSINESS

Chief Mattson Correspondence – Countywide Law Enforcement Mutual Aid Agreement

Mayor McKee stated that this had been at a couple of meetings. Chief Mattson reminded Attorney Cushing that the mutual aid agreement has not been executed. Attorney Cushing has written letters to Prosecutor Kearns's office dated September 5, 2013 and March 5, 2012 providing certain comments and has not heard back from the prosecutor's office. Attorney Cushing was requesting his position regarding the comments. If the comments were acceptable, Attorney Cushing's office would make the necessary changes to the agreement. He has not heard back from the prosecutor. Mayor McKee stated that again it would be tabled.

Land Acquisition – Wolek Property

Attorney Cushing stated that the Wolek's had purchased the property from the prior owner. He sent a letter to the Wolek's about 3 or 4 weeks ago asking them to work with the Township in connection with acquiring the property. They have not responded and they have been called twice and they still have not gotten back to Attorney Cushing's office. They are going to do a follow-up letter. In fairness to the Wolek's, they have just had a new baby.

OEM

Ms. Schriver stated that she had spoken to Alan Goracy and he is going to come to the next Township meeting to discuss our emergency management program. She hopes that the Committee will have some suggestions for him.

RESCUE SQUAD BUILDING LEASE

Mr. Milkowski brought up the question regarding the lease agreement for the rescue squad building. Ms. Schriver stated that she and Mr. Cryan have met with the Fire Department. Mr. Cryan stated that once he and Ms. Schriver talk to Attorney Cushing and put something together, the Fire Department may want their attorney to look at it again. Ms. Schriver is not sure that they will have anything for the next meeting.

NEW BUSINESS

UNISON SITE MANAGEMENT

Ms. Schriver stated that the Committee had received a letter from Unison Site Management regarding a cell tower evaluation. She would like the Committee to put them on the agenda for the next meeting and consider using them, with the situation of the co-locator on the Township tower. She will contact them to come to the next meeting.

PRESENTATION OF VOUCHERS

Committee Members provided a description of vouchers exceeding \$1,000.00.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the September 18, 2013 bill list in the amount \$66,548.50.

CORRESPONDENCE

Tax Collector's Report for the month of August 2013

PUBLIC COMMENTS

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.

Nancy Darois stated that there are 3 things that have not been resolved, LOSAP, the rescue squad building and the township garage open house. She asked if there was going to be an end to any one of them, any time soon. Mayor McKee stated that the lease agreement for the rescue squad building is coming into its final stages. Hopefully that happens soon. He stated that he does not have an answer on LOSAP and the open house; they have to get together as a Committee and pick a date.

Victor Hoffman asked about the library, has the Committee decided when they are going to dump dirt to close up the entry hole to the pond? The Committee is waiting for the County for an answer; they had surveyors out and are waiting for an answer from them. Mr. Hoffman asked why we have to wait for the County to give us an answer. Mayor McKee stated that the Township was hoping to work together with the County on the project to make this a joint effort and solve the problem. The County is suppose to be getting back to Steve Risse with an aerial topo and the topos from before the resurfacing of Route 513, 8 to 10 years ago, to show where the grades were at that time. Mr. Milkowski stated that if the Township interferes with the flow of the water by filling in the low spot, it could create a bottleneck. Mr. Milkowski also stated that the material that they were planning to use to fill it in with would be generated from the Township's septic installation, the clean fill that comes out of it. The County would like the water to go to the Willoughby Creek. Mr. Hoffman said that it could not go there. Mayor McKee stated that this is why the grading is needed to show that they have diverted water towards the Willoughby. Mr. Hoffman stated that the pond has nothing to do with the Willoughby at the present time. Mayor McKee stated that it is where the water drains. They are adding water to that pond off of Route 513, with the little swale they dug.

Mr. Hoffman asked the Committee if the Historian's could take care of the Christmas trees this year like they did last year. The Committee was fine with it. They would like to try decorating a few other trees and they would like to put some lights on the gazebo. The Committee approved.

Annette Lemenze stated that she keeps hearing that there are so many things that come up and seem to come up over and over again, one meeting its talked about another it is not. She asked if there was a master list with all the outstanding items and who is assigned to it, who is following up on it and is somebody keeping overall tabs on where the follow up is and how things are happening. Ms. Schriver stated that if it is in the liaisons department then the liaison is supposed to take care of it. Mr. Milkowski stated that as it is with the DPW building, the Committee changed liaisons. They had the cornerstone from the original DPW building installed in the new building and there should be a plaque put on it explaining that. Mr. Milkowski asked "Who is following up on it?" Should he get a price on it or should he turn it over to the new liaison to get a price on the plaque to explain the cornerstone that states "building built in 1942" and it is in a brand new building. There should be a plaque explaining that. Mr. Cryan, as the new liaison, is going to look into getting prices for a plaque explaining the cornerstone in the new Township garage.

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

EXECUTIVE SESSION

Attorney Cushing stated that it is attorney advice regarding certain employee benefit issues that have arisen and he does not anticipate that there will be any public action taken based on that advice given.

Resolution No. 77-2013 – Executive Session

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 77-2013 and convened in executive session at 7:25 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 77-2013
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____Professional Service Contracts –. The public disclosure of such information at this time would have a potentially negative impact on the municipality’s position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality’s position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

 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.

At this time, 7:25 p.m., the Deputy Clerk was excused and asked to leave the meeting

Respectfully submitted,

Kimberly S. Jacobus, Deputy Clerk

ADJOURNMENT

The Township Committee returned from Executive Session at 8:30 p.m. There was a short statement by the attorney that the Mayor and Committee had discussed issues in Executive Session involving advice of attorney and collective bargaining negotiations regarding certain personnel benefits issues.

Having no further business to come before the Committee a motion was made by Ms. Schriver seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 8:31 p.m.

Thomas McKee, Mayor

Approved: October 2, 2013