

**Lebanon Township Committee
November 4, 2015**

Minutes of Regular Meeting

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
 Brian Wunder Marc Laul

Absent- Bernard Cryan

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 6 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 21, 2015

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 21, 2015.

Minutes of the Executive Session Meeting of October 21, 2015

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the executive session meeting of October 21, 2015.

PUBLIC COMMENTS – for agenda items only.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:02.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:03.

ORDINANCES

Introduction

Ordinance No. 2015-08 – Amending the Length of Service Award Program

Motion by Mr. Wunder, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2015-08 on first reading as entitled below. AYES: Wunder, McKee, Laul ABSTAIN: Milkowski

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2015-08
ORDINANCE AMENDING THE LENGTH OF SERVICE AWARD PROGRAM**

Public Hearing to be held on December 2, 2015.

RESOLUTIONS

Resolution No. 75 -2015 - Redemption of Tax Sale Certificate

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2015 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 75-2015
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201304 on October 11th 2013 to Ridgeback Ventures LLC and,

WHEREAS the amount of \$664.01 has been collected from Stanley Zajac, owner of this property known as Block 18, Lot 26, Lebanon Township for the redemption of Tax Sale Certificate # 201304.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$664.01 and that this check be mailed to the lien holder:

Ridgeback Ventures LLC
PO Box 503
Mt Freedom, NJ 07970

Resolution No. 76 -2015 - Redemption of Tax Sale Certificate – 10 Days

*Motion by Mr. Laul, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Resolution No. 76-2015 as written below. AYES: McKee, Milkowski, Laul
ABSTAIN: Wunder*

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 76-2015
REDEMPTION OF TAX SALE CERTIFICATE WITHIN TEN DAYS

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201503 on October 23rd 2015 to MTAG Cust for Empire VII NJ Portfolio and,

WHEREAS the owner of this property Azem Tony Kucevic, Block 38, Lot 22, 419 Route 513, Lebanon Township has redeemed this lien within ten days of sale and before this certificate had been issued.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$5,746.06 for the return of the lien purchase and,

THEREFORE BE IT FURTHER RESOLVED that the premium paid of \$33,000 also be returned to the lien purchaser, and that these checks be mailed to:

MTAG Cust for Empire VII NJ Portfolio
PO Box 2096
Hicksville, NY 11802

Resolution No. 77 -2015 - Chapter 159

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 77-2015 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 77-2015
CHAPTER 159

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

SECTION 1,

NOW, THEREFORE BE IT RESOLVED that the Township of Lebanon, Hunterdon County, hereby requests the Director of the Division of Local Government Services to approve the increase of \$ 1,257.75 for an item of revenue in the budget of the year 2015 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations – Body Armor Grant
Total with increase to be \$ 1,257.75

SECTION 2,

BE IT FURTHER RESOLVED that a like sum of \$ 1,257.75 be and the same is hereby appropriated under the caption of:

General Appropriations -
Public & Private Programs Offset by Revenues – Body Armor Grant
State/Federal Share \$ 1,257.75
Non State Share \$
Total with increase to be \$ 1,257.75

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Resolution No. 78-2015 - Support in Designating the “173” Airborne Brigade Highway

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 78-2015 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 78-2015**

**RESOLUTION IN SUPPORT OF NJ SENATE NO. 650 AND NJ ASSEMBLY NO. 2408,
DESIGNATING STATE ROUTE 173
BETWEEN CLINTON AND PHILLIPSBURG AS
“173rd AIRBORNE BRIGADE HIGHWAY”**

WHEREAS, The 173rd Brigade was first constituted in 1915 as the 173rd Infantry Brigade and deployed to France during World War I; and

WHEREAS, The 173rd Infantry Brigade was then designated as the 87th Reconnaissance Troop in 1942 and entered combat in 1944 during World War II in the central Europe, Rhineland and Ardennes-Alsace operations; and

WHEREAS, In the early 1960s, as part of the Reorganization Objective Army Division plan, the 173rd Brigade was reconstituted as a separate brigade and a special airborne task force, the 173rd Airborne Brigade; and

WHEREAS, In 1963, the 173rd Airborne Brigade was activated in Okinawa and it was for the thousands of parachute jumps the brigade made that they were given the moniker “Sky Soldiers”; and

WHEREAS, The 173rd Airborne Brigade was the first Army unit sent into the republic of South Vietnam in May 1965; and

WHEREAS, During their nearly six years of continuous service during the Vietnam War, the Sky Soldiers were the first to go into War Zone D, fought bravely in the battles of the Iron Triangle, conducted the only major combat parachute jump in the Tay Ninh Area, and blocked the North

Vietnamese Army's incursions during the bloodiest fighting of the war at Dak To, culminating in the capture of Hill 875 in the fall of 1967; and
WHEREAS, For the brave service of its members during the Vietnam War, as a whole, the brigade earned four unit citations, 13 Medals of Honor and over 130 distinguished service crosses; and
WHEREAS, In 2003, nearly 1,000 members of the 173rd Airborne Brigade participated in the initial invasion of Iraq during Operation Iraqi Freedom, and between 2005 and 2010 the 173rd Airborne Brigade served three tours in Afghanistan in support of Operation Enduring Freedom; and
WHEREAS, Today's Sky Soldiers are based in Vicenza, Italy where they continue the tradition of heroic service and proudly represent the 173rd Airborne Brigade's fighting spirit, ready to deploy at a moment's notice to protect the United States and her allies; and
WHEREAS, To honor the 173rd Airborne Brigade's many years of heroism and sacrifice in defense of our country's freedom, it is fitting and proper for the Legislature of this State to designate State Highway Route No. 173 between Clinton in Hunterdon County and Phillipsburg in Warren County as the "173rd Airborne Brigade Highway"; now, therefore,
NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon, County of Hunterdon, State of New Jersey does hereby recognize the continued brave and heroic services and sacrifices of the 173rd Airborne Brigade; and
BE IT FURTHER RESOLVED that the Township of Lebanon Committee does hereby support NJ Senate No. 650 and NJ Assembly No. 2408, and urges passage of this bill.

Resolution No. 79-2015 - Redemption of Tax Sale Certificate

Motion by Mr. Laul, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 79 -2015 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 79-2015
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201405 on October 10th 2014 to US Bank Cust/Empire VI and,

WHEREAS the amount of \$32,270.20 has been collected from Texas Capital Bank, for the owners of this property, Anthony & Jennifer Donofrio known as Block 38, Lot 18.04, Lebanon Township for the redemption of Tax Sale Certificate # 201405.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$32,270.20 for the redemption of this lien, and

THEREFORE BE IT FURTHER RESOLVED that a check in the amount of \$26,000.00 representing the amount of the premium paid also be sent to the lienholder:

US Bank Cust/Empire VI
TLSG 2 Liberty Place
50 S. 16th Street, Suite 1950
Philadelphia, PA 19102

Resolution No. 80-2015- Authorizing the Release of a Performance Bond – Muller Toyota

Motion by Mr. Milkowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2015 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 80-2015
RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND
OF MULLER TOYOTA SERVICE CENTER (BLOCK 3, LOT 5.01)**

WHEREAS, the Muller Toyota received preliminary and final site plan approval from the Township to construct certain improvements on property designated as Block 3, Lot 5.01 on the Township of Lebanon's Tax Maps; and

WHEREAS, Muller Toyota has requested that the Township release the Performance Guarantee for these site improvements; and

WHEREAS, by letter dated October 1, 2015 the Township's Engineer recommended release of the Performance Guarantee and stated that all conditions of site plan approval had been met.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey hereby authorize a release of the Performance Bond for Block 3, Lot 5.01 based upon the recommendations of the Township Engineer.

OLD BUSINESS

Bond Ordinance Authorization

Mayor McKee stated that the CFO would like to know what the amount should be for the impending Bond Ordinance. Mayor McKee stated that if all Capital requests were included the Bond the amount would be \$1,150,000.00. Mr. Milkowski stated that he would like to cap the Bond at \$750,000.00 and to work within it. Mayor McKee noted that a few of the requests are from 2014 as the Committee did not Bond last year. Discussion was held on the \$400,000.00 that is also available in the Capital Improvement Fund account and that there can be a combination of bonding as well as using Capital Improvement funds. Discussion was held on the need for a DPW Scavenge Vac. Mr. Laul suggested removing the cost of the Scavenge Vac and bonding for the difference. Discussion held. Mr. Laul suggested minimizing the Bond by removing the 2015 road improvements. Mr. Laul noted that the DPW Manager will not be using the 2015 road improvement funds next year; he will only be using the 2014. Mr. Laul suggested that removing the 2015 Overlay and the 2015 Chip and Seal and putting in an allocation in 2016. Mr. Laul recommended that the Bond amount should be \$515,000.00. Mr. Milkowski agreed. Mr. Wunder suggested bonding for the \$795,000.00 to be sure that the funds are in place if needed; they do not have to be used. Mr. Laul suggested having a \$515,000.00 Bond for 2015 and to place \$400,000.00 in the Capital Improvement Fund for the 2016 year, as was done in 2015.

Motion by Mr. Laul, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee authorized Bond Counsel to draft a Bond ordinance in the amount of \$515,000.00. The Bond ordinance is to be comprised of the 2014 Road Improvements (\$200,000.00), 2014 Road Overlay (\$80,000.00) and DPW Vehicles (\$235,000.00) AYES: Wunder, Milkowski, Laul NAYS: McKee

Mayoral Appointment – Chief of Police Appointment Committee

Mayor McKee stated that due to the Police Chief's approaching retirement there is a need for a Chief of Police Appointment Committee to meet with the candidates who are vying for the Police Chief positions. Mayor McKee appointed Mr. Milkowski to work with him during the process. The subcommittee will interview all candidates and narrow the number down to three individuals. The Township Committee will then conduct the final interviews for the selection of the Police Chief. Interviews will begin shortly.

Blue Acres Demolition

Mr. Laul asked Attorney Cushing if there is an update on the demolition of the house at 139 Raritan River Road. Attorney Cushing stated that there has been a notice provided to the contractor by the Township Engineer stating that they must perform. If not, the Engineer will explore the second Blue Acres bidder.

NEW BUSINESS

There is no new business to discuss.

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 November 4, 2015 bill list in the total amount of \$122,625.51.

CORRESPONDENCE

- a. Recycling Coordinator JoAnn Fascenelli – Free Computer/Electronics and Scrap Metal Event
- b. Lebanon Historians – June 4, 2015 Meeting Minutes

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:43 p.m.

Ms. Laurie Hoffman asked if the bond is going to affect the 2% Cap. Mayor McKee stated that debt service is outside of the Cap so the bond will not have an effect on the 2%.

Ms. Hoffman stated that she thought that the Township was not going to Chip and Seal the roads. Mayor McKee stated that the DPW Manager looked into a micropaving process; however, he was not comfortable with it so decided to stay with what he is familiar with. Ms. Hoffman stated that she does not agree with the Committee in putting off road work because the roads are in bad shape.

Ms. Hoffman questioned if the Committee knows what vehicles they will need in the future. Mr. Wunder stated that there is a schedule for the vehicles; however, things do happen such as accidents.

Ms. Hoffman asked for an update on COAH. Attorney Cushing provided an update.

Ms. Hoffman asked if the A & P going out of business will affect the Township. The closing should not affect the Township because the owner will still be responsible to pay taxes.

Ms. Hoffman asked if the interviews for the Police Chief will be held in public. Attorney Cushing stated that the interviews are commonly held in executive session. This is to avoid embarrassment for the applicant as well as being able to ask probing questions which may cause an awkward situation for the candidate. Opening Public meeting interviews may also lead to controversy amongst the candidates. Ms. Hoffman asked if Chief Mattson will be staying on to work with the new Chief. Mayor McKee stated that the Committee is hopeful that Chief Mattson will be here for a short period of time to make for a smooth transition.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:00 p.m.

Resolution No. 81-2015 –Executive Session

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.81-2015 and convened in executive session at 8:01 p.m. It is not anticipated that action will be taken at the reconvening of the Public Meeting.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 81-2015
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

_____);

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

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

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

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

_____ 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: Affordable Housing.

_____ 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___ 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

Public Meeting as reconvened at 8:27 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 8:28 p.m.

LTCM
11/04/2015
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Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 2, 2015

Thomas McKee, Mayor