

CALL TO ORDER

Mayor Thomas McKee called the meeting to order at 7:04 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.

ROLL CALL

Present - Thomas McKee Patricia Schriver
 Francis Morrison Ronald Milkowski

Absent- Bernard Cryan

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 21 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 16, 2013

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 16, 2013.

Minutes of the Executive Session of October 16, 2013

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of October 16, 2013.

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public.

Motion by 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.

RESOLUTION

Resolution No. 84-2013 – Municipal Alliance Grant Extension

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.84-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 84-2013
FISCAL GRANT EXTENSION JANUARY 1, 2014 to JUNE 30, 2014

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township of Lebanon, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and, WHEREAS, the Township of Lebanon was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and,

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and,

WHEREAS, funding has been made available to the Voorhees Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township of Lebanon Committee does hereby support the submission of an application for the Voorhees Municipal Alliance grant for calendar year 2013 in the amount of \$10,150.
2. The Township of Lebanon Committee acknowledges the terms and conditions for the Municipal Alliance grant.

Resolution No. 85-2013- Request County to Undertake Animal Control Responsibilities

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.85-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 85-2013

Resolution Requesting that the County of Hunterdon Undertake the
Animal Control Officer Responsibilities for Hunterdon County Municipalities

WHEREAS, the County of Hunterdon is composed of 26 municipalities whose populations range in size from the smallest, Stockton Borough, with a population of 538, to the largest, Raritan Township, with a population of 22,185; eight of the municipalities in the County have a population of under 2,000 and 22 of the 26 municipalities have a population of under 6,000. Accordingly, the vast majority of municipalities in Hunterdon County are smaller ones which do not have large administrative staffs; and

WHEREAS, notwithstanding the size of the majority of municipalities in the County, *N.J.S.A.* 4:19-15.16 requires the governing body of each municipality appoint a certified animal control officer responsible for animal control within the jurisdiction of the municipality and who shall enforce and abide by statutory requirements for such an office; and

WHEREAS, *N.J.S.A.* 4:19-15.16.a. establishes the certification requirements for animal control officers and mandates the establishment of rules and regulations for the training and educational qualifications for certified animal control officers; and

WHEREAS, *N.J.S.A.* 4:19-15.16 mandates municipalities take into custody and impound dogs and other animals which are believed to be strays, dogs off the premises of the owner, any off premises female dog in season, any dog or other animal which is suspected of being rabid, any dog off the premises of the owner judged by the certified animal control officer to be ill, injured or creating a threat to public safety or welfare; and

WHEREAS, *N.J.S.A.* 4:19-15.16 establishes the procedure as to how the certified animal control officer is to take into custody and impound dogs or other animals required to be collected and further provides that those animals are to be turned over to a shelter, pound or kennel; and

WHEREAS, prior to the adoption of the more demanding requirements for certification of animal control officers and the collection of animals meeting the definition of the statutory requirements, dog and other animal control activities were often carried out by humane shelters or individuals known as dog catchers; and

WHEREAS, the increased professionalism required of animal control officers has decreased the number of suitable candidates for this position; and

WHEREAS, the number of shelters which are convenient to municipal locations willing to take dogs or other animals collected by the animal control officer has diminished for various reasons; and

WHEREAS, it has become increasingly difficult for municipalities in the County of Hunterdon to fulfill their statutory responsibilities with respect to stray dogs and other animals; and

WHEREAS, the State of New Jersey has a strong policy to encourage shared services to reduce the costs of municipal services; however, there are few economic benefits to be achieved by individual municipalities sharing an animal control officer because of the nature of the service. However, significant efficiencies of scale could be achieved if a county-wide animal control officer was created; and

WHEREAS, in larger municipalities the animal control officer usually reports to the municipal health officer; and

WHEREAS, in Hunterdon County most, if not all, municipalities do not have their own health officer, but delegate the administrative responsibilities of their Boards of Health to the County of Hunterdon Division of Public Health Services; and

WHEREAS, having a countywide animal control officer(s) under the jurisdiction of the Hunterdon County Division of Public Health Services will increase professionalism, reduce the cost of providing animal control services and provide for more efficient use of the vehicles and equipment.

WHEREAS, it would make sense for the County of Hunterdon to create the office of animal control officer within the Division of Public Health Services, which has the experience and administrative capacity to efficiently hire animal control officers and oversee their day-to-day activities.

NOW, THEREFORE, BE IT RESOLVED, by the Lebanon Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, as follows:

1. The Lebanon Township Committee strongly urges the Hunterdon County Board of Chosen Freeholders to initiate a study of the appropriate benefits of a County take over the functions of the municipal animal control officer in any municipality which, by Resolution, requests that the County take over its animal control requirements; and
2. The Lebanon Township Committee requests that the State Senators and Assemblymen who represent municipalities in the County of Hunterdon, petition the State of New Jersey to provide funding for the study of a plan to have the County of Hunterdon take over the animal control responsibilities from municipalities which request that service; and
3. The Township Clerk is directed to send a copy of this Resolution to the following:
 - A. The Hunterdon County Board of Chosen Freeholders;
 - B. The Mayor and Governing Body of each of the 26 municipalities in the County of Hunterdon; and
 - C. Each State Senator and Assemblymen who represent any municipalities in the County of Hunterdon.

OLD BUSINESS

DPW Manager – Request to Award Bid for Dump Truck

Attorney Cushing stated that there were two bids received for the dump truck. The apparent low bidder was Mid-Atlantic Truck Center in the amount of \$158,923.00. The second bid was from Brown's Hunterdon International in the amount of \$162,975.00. Attorney Cushing stated that there was confusion in the bidding process as to whether a 60 month warrantee had been requested. It was concluded at the last meeting that since the warrantee was not included in the bid specifications it could not be considered when comparing the two bids as Mid-Atlantic did not include it as part of the bid. The warrantee was put aside as an item required for the bid. Attorney Cushing stated that Warren Gabriel determined that the Mid-Atlantic bid was not compliant. There is now the question of whether or not the low bidder actually met the bid specifications. At the last meeting the Township Committee considered either rebidding or asking Mid-Atlantic to make a presentation to the Committee to inform them as to why their bid would be considered equivalent and how they met the requirements of the bid specifications. The Committee decided to have the two vendors at this meeting to address the Committee's concerns. Attorney Cushing sent a letter to Mid-Atlantic and Brown's Hunterdon International inviting them to the meeting to present evidence.

DPW Manager Warren Gabriel stated that he feels that there were a few items in Mid-Atlantic's bid that were not in compliance with the specifications. There were issues with the plow and the hydraulic system. The recently purchased DPW trucks all have touch screens and the Mid-Atlantic bid provides for a different screen that is not completely a touch screen. Mr. Gabriel stated that he would like the screens to all be the same to have uniformity for the employees. Mr. Gabriel stated that the doghouse is in the body of the recently purchased trucks and it has been found that when loading the trucks the doghouse gets hit. Mr. Gabriel stated that the employees are cautious when loading the trucks but it still gets hit. Mr. Gabriel stated that with the last truck purchased the doghouse was on the inside of the truck to avoid the problem.

Mr. Gabriel stated that the warrantee issue keeps coming up and he clarified that there were no sidebar discussions with either vendor relative to such. Mr. Gabriel provided Brown's with a VIN# and told them that the Township wanted to match that truck in order to obtain the specifications for the new truck. Mr. Gabriel stated that the last truck was purchased through Morris County Co-op. Mid-Atlantic had built the last three trucks purchased by the Township. Mr. Gabriel stated that he feels that Mid-Atlantic should have been aware of the warrantee issue as it was raised each time a truck was purchased from them. It was always kept as an option. Mr. Gabriel contacted Browns after the bid opening for clarification on the warrantee because there was warrantee documents included in the bid paperwork. He was informed that the warrantee was included in the cost of the bid. Mid-Atlantic has the warrantee listed but as an option. If the warrantee is added to the Mid-Atlantic proposal they will be \$400 over Brown's bid.

Attorney Cushing stated that legally he does not believe that the Committee can consider the warrantee issue as there are ambiguities.

Mr. Bob Feldman and Mr. Andy Sanchez were present to represent Mid-Atlantic Truck Center and Sanchez Equipment. Mr. Sanchez stated that he met with Mr. Gabriel to inquire on questions he had with the bid specifications. He wanted to know Mr. Gabriel's reason for making alterations from the prior truck specifications; with regard to the doghouse and the hydraulic tanks.

Mr. Sanchez explained to the Committee the difference in the touch screen. It is not completely a touch screen there are knobs on the side of the screen.

Mr. Sanchez stated that they did not write the specifications but they will comply. Mr. Feldman stated that dump trucks are custom built for the individual and the user. There are items that can be considered standard for a truck that is constructed for snow and ice control but the types of controls and where certain apparatuses are placed on a truck are up to the individual based on their personal preference, geographic location and experience with a truck. Discussion was held on the doghouse placement and the touch screen. Mr. Feldman stated that the head sheet in the front of the body will be flat, there was no exception to that, the cylinder is where it is supposed to be and no exception was taken to it, the hydraulic tank will appear up high in the cradle where it is supposed to be and there is no exception to it. Mr. Feldman stated that there are however slight variations in the way that the touch screen works which is an exception.

Mr. Corey Brown was present to represent Brown's Hunterdon International along with Mr. Bruce Shulley who is the body and plow manufacture that Brown's bids with. Mr. Shulley stated that he provided Lebanon Township with the three past dump truck packages with Mid-Atlantic. Mr. Shulley stated that the changes that occurred were based on experience, availability of new products and the

bids specifications clearly stating an external doghouse. Brown's had no exceptions in their bid. Mr. Shulley stated that he questions if Mid-Atlantic is in compliance with the bid specifications and if they took exceptions where they should have taken exceptions to. Mr. Shulley stated that Mid-Atlantic provided literature for a frame mounted combination tank and the specifications called for external mount with a cradle mounted reservoir and a cradle mounted valve enclosure. Mr. Shulley stated that these are two clearly different things. Mr. Shulley stated that the reason for the difference is for operator visibility. Mr. Shulley feels that this makes the Mid-Atlantic bid non-compliant. Mr. Brown stated that the Township wrote a specification specifically around a certain body, plow and setup for their employees. If they knew that alternatives would have been accepted their price may have been cheaper as well. Mr. Brown stated that they bid exactly what the specifications asked for and that is what they will provide.

Attorney Cushing stated that the Committee needs to consider if they feel that the bid from Mid-Atlantic complies or substantially complies with the bid specifications. Discussion was held in the placement of the hydraulic tank and the doghouse.

Browns provided pictures to the Committee (Exhibit A – Exhibit F) for them to have a better understanding of the location of the apparatuses.

The Committee asked questions of Mid-Atlantic regarding comments made by Brown's representatives. Mr. Feldman stated that the only exception he provided was the touch screen. Mayor McKee showed Mr. Feldman a picture of a new Township dump truck (Exhibit C) and asked if the truck he is proposing will be the same truck. Mayor McKee stated that the hydraulic tank is critical to the location. Mr. Feldman stated that the hydraulic tank will be located in the same place. Mr. Feldman stated that there are no exceptions. Mr. Shulley commented that the specifications are not for the exact truck in Exhibit C. There have been some improvements. Mr. Brown stated that Mid-Atlantic is saying now, and after the fact, that they will comply with the specifications. Mr. Brown noted that this is not exactly what was provided for in Mid-Atlantic's literature and the products that they provided for in their bid. Mr. Brown questioned how it would be fair for the Committee to accept this proposal after the fact. Attorney Cushing stated that there are no exceptions so Mid-Atlantic is obligated to comply with the specifications. Mr. Shulley stated that there are five exceptions that go along with the touch screen.

Attorney Cushing stated that if the specifications stated a touch screen and the Mid-Atlantic bid is for a touch screen with knobs, the Committee needs to decide if it is acceptable. Does the Committee feel that the screen is a material variation from the specifications or do they find that it is a reasonable exception?

Mr. Milkowski stated that he does not see the screen as being a variation. Mayor McKee agreed and stated that the lowest truck bid meets the specifications other than the touch screen. Mr. Gabriel stated that there is an extended warranty on the three new DPW trucks and noted that if the Committee awards the bid to the lowest bidder, with the warranty being an option, it will cost more for the truck than if awarded to Brown's. Attorney Cushing stated that if there is confusion about the bid specifications, then it is up to the Committee to decide if they should rebid or award a bid.

Mayor McKee stated that in his opinion, even though this is not the truck that Mr. Gabriel wants, he believes that the lower bid should succeed as there are such similarities to the truck, with the exception of the touch screen. Mayor McKee stated that in accepting the low bid the Committee cannot pay

mind to the warrantee because it was not listed in both bids. Mr. Milkowski stated that he agrees with the Mayor. Mayor McKee stated that the only other option the Committee has is to seek new bids. Ms. Schriver stated that since there has been so much controversy over the issue it should be rebid. Mr. Milkowski stated that since the proposals are so similar he thinks that the Committee should proceed with the lowest bidder and questioned what the Township has to gain by rebidding. Mr. Morrison stated that he believes that the Committee should go with the low bidder.

Motion by Mr. Morrison, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee awarded the bid for the dump truck to Mid- Atlantic Truck Service for \$158,923.00. Mid-Atlantic is to comply with the bid specifications entirely. AYES: McKee, Milkowski, Morrison NAYS: Schriver

DPW Manager – New Pick-up Truck Bids

The DPW Manager stated that he wrote the original bid specifications for a gas engine pick-up truck. After receiving approval from the Committee and the specifications being review by Attorney Cushing's office, Mr. Milkowski made the suggestion to Mr. Gabriel to look into the option of a diesel engine. When Mr. Gabriel sent out the bids specifications he asked for the cost for the diesel engine but did not actually write it into the specs. The Committee could not award the bid for the diesel truck based on the way the specifications were written. Mr. Gabriel has now reworded the specifications to include the diesel engine and a plow so the truck can be rebid. Mr. Gabriel asked for the original bids to be rejected.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee rejected the original bids due to issues pertaining to the specifications.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to seek bids for a 2014 Pick-up Truck with a Durmax Diesel with an Allison Transmission and a plow.

Best Practices 2013 Questionnaire – Authorize Mayor, CFO and Clerk to Sign

Mayor McKee stated that after reviewing the Best Practices Questionnaire it was determined that questions 33 and 34 should have been answered as a “no or possibly as perspective” as opposed to being answered as a “yes”. There is no effect on the Township's overall score of 90% and there will be 0% withheld from State Aid.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Best Practices 2013 Questionnaire and authorized Mayor, Clerk and CFO to sign.

Library Pondering Issue – Nancy Lawler Correspondence

Mayor McKee stated that Nancy Lawler of the EOS Committee met with Fred Schnoenagel, a soil scientist at NRCS (National Resource Conservation Service) about the pondering issue at the Library. Mr. Schnoenagel suggested that he could come to the Library to look at the soil profile. This would involve bringing some equipment on the property and taking a sample. Mr. Schnoenagel also noted

concerns that if the property remains wet it may create a problem with the limestone underneath. The work profile will be at no cost to the Township.

Mr. Milkowski stated that he contacted the Engineer and he has not heard anything from the County regarding the issues brought to them by the Township Engineer and Committee. Mr. Milkowski stated that he would like to wait to see what the County is going to say as they may correct the problem. The Township Engineer will be reaching out to the County again.

Mr. Warren Newman stated that he had a conversation with the County Field Engineer last week and was informed that the intent of the County is to finish the paving of County Route 513 by the end of November. Time is of the essence as the County's roadwork will be completed at Bunnvale Road in the very near future. Mr. Newman stated that the soil profile is for investigation not for solutions to the problem. Mr. Milkowski will attempt to strongly encourage the County to meet with the Township regarding the drainage.

The Committee authorized the Mayor to approve the soil profile within a week or so if the County does not proceed with correcting the problem. The profile is to be done at no cost to the Township.

Squad Building Lease

Attorney Cushing stated that the Squad Building Lease work is going well. Ms. Schriver and Mr. Cryan have been working on it extensively. They have met with Fire Department members. There is an additional draft lease prepared which will be discussed in closed session tonight along with policy issues. Another meeting will be held with the Fire Department to ensure that the lease language is satisfactory. The goal is to have the lease finalized by January 2014.

NEW BUSINESS

NJ State Firemen's Association Membership Application Jared J. Patriarca

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the NJ State Firemen's Association Membership Application for Jared J. Patriarca.

Raffle Application - PTSO Voorhees High School Inc. – May 6, 2014

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application - PTSO Voorhees High School Inc. for an event to be held on May 6, 2014.

LTEOS – Warren Newman – Grant Opportunity

Mr. Warren Newman stated that on October 31, 2013 there was an announcement made regarding the Application program for Sustainable NJ Small Grants. As the Township is a participant of the Sustainable NJ Program and has an active Green Team it is able to submit a proposal for a \$2000.00 Capacity Building Grant. Mr. Newman stated that the application is due to be submitted by January 26, 2014. The grant is a one year work plan; April 2014 to March 2015.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 86-2013

Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and
WHEREAS, the Township of Lebanon strives to save tax dollars, assure clean land, air and water, improve working and living environments; and
WHEREAS, the Township of Lebanon Township is participating in the Sustainable Jersey Program; and
WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;
THEREFORE, the Committee of the Township of Lebanon has determined that Lebanon Township should apply for the aforementioned Grant.
THEREFORE, BE IT RESOLVED, that the Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant application.

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 November 6, 2013 bill list in amount of \$118,349.04 with the addition of a payment to Ford Motor Credit in the amount of \$13,469.96; total \$131,819.00.

CORRESPONDENCE

- a. Township Historian's October 3, 2013 Meeting Minutes
- b. The Hunterdon Humane Animal Shelter – 2014 Animal Control Services

PUBLIC COMMENTS

Motion by Mr. Milkowski, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:23 p.m.

Ms. Laurie Hoffman stated that the Tree Lighting Ceremony will take place on December 4, 2013 at 6 p.m. prior to the Committee meeting. Refreshments will be served after the ceremony, at the firehouse. Ms. Hoffman informed the Committee that on May 3, 2014 the Historians will conduct a walk of the Swackhammer Church as part of Hunterdon County's 300th Anniversary.

Ms. Hoffman asked the Committee how the County can just ignore the Township's concerns with the drainage at the Library. Mr. Milkowski has asked for maps and they keep ignoring his request. She does not understand how can they have the water go into the C-1 trout producing stream. Mr. Warren Newman stated that the reason the road is being resurfaced again, so soon, is because the asphalt used in 2005-2006 was substandard. Ms. Hoffman suggested calling the County Engineer. Discussion was held on the flow of the stormwater.

Mr. John Kneafsey, Vice President of the Fire Department, stated that he was present to address a letter that was sent to the Committee last month regarding the Fire Department's coverage of EMS calls. Mr. Kneafsey stated that at the request of the Committee he submitted an EMS report in June and stands by his that report 100%. Mr. Kneafsey stated that the letter submitted by Ms. Mayberry calls into question the integrity of the Fire Department and him personally. Mr. Kneafsey noted that the Fire Department will continue to provide EMS and Fire Service to the Township and will not quit.

Mr. Victor Hoffman questioned what will happen once the paving is done on Route 513 and nothing is resolved. Mayor McKee stated he will call the County Engineer and make a last minute effort to have the issue addressed. Discussion was held on easements and water flow. Mr. Hoffman feels that the Township is tippy toeing around and not taking action. Mr. Hoffman stated that he has lived in his house for sixty years and knows the brook. There is more water in the brook now than when he was a child. He is concerned for his home.

Mr. Lou Perry stated that he belongs to the Fire Department and has been a member for 35 years. Mr. Perry is disturbed with the letter from Ms. Nancy Mayberry. He realizes that everyone on the Committee received the letter and questions why no one is backing the Fire Department. Mr. Perry asked if there is any reaction by the Committee and inquired on if they think that the letter is accurate. Mr. Perry stated his concerns with Ms. Mayberry putting the Fire Department and Mr. Kneafsey on the spot and stated that she did not come to state her issues to the Department. Mr. Perry questioned who the people are that are complaining to Ms. Mayberry. Mr. Perry stated that no one should be able to make accusations against the Department and not explain them. Mr. Perry stated that anyone can write a letter and stated things but you need proof and he does not think Mrs. Mayberry has any proof. If so let the Department know.

Ms. Laurie Hoffman stated that the Synod is now ready to turn the Swackhammer Church over to the Historians for \$1.00. The Historians are hoping to have a meeting on November 7, 2013 to see if the Historians want to take over the property or if they choose to form a not-for-profit group to take it. Attorney Cushing stated that the Township's view is to keep the Church separate from the Historians. Attorney Cushing stated that he received a call from Attorney Steve Gruenberg who is going to help a group develop a 501c3 corporation. Attorney Cushing stated that to help Mr. Gruenberg and the group out he sent him back title, some history of the church and information received from the Lutheran Synod. Ms. Hoffman stated that the Historians need to decide if the not-for-profit group will take the property or if the Township will. Attorney Cushing stated that the Township does not want to take on the responsibility of the property but will cooperate in the formation of the 501c3 corporation.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:46 p.m.

Resolution No 87-2013 –Executive Session

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 87-2013 and convened in executive session at 8:48 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 87-2013

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;

 X 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;

 X 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: **Centurion**

 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.)

X 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: X 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.

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 10:03 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 4, 2013

Thomas McKee, Mayor