

**Lebanon Township Committee  
January 17, 2018**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Mike Schmidt 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 Schmidt asked for everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Servicemen and Women.

**ROLL CALL**

Present - Mike Schmidt Thomas McKee Marc Laul Brian Wunder Beverly Koehler

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 4 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of December 20, 2017**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular meeting of December 20, 2017*

**Minutes of the Reorganization Meeting of January 3, 2018 – Tabled**

**PUBLIC COMMENTS – for agenda items only.**

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

No comments from the public.

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

## **RESOLUTIONS**

### **Resolution No. 21-2018 Redemption of Tax Sale Certificate**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 21-2018 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 21-2018  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201604 on October 14<sup>th</sup> 2016 to MTAG Cust for Empire VIII NJ Portfolio and,

WHEREAS the amount of \$14,011.70 has been collected from Title Lines for the owner of this property, known as Block 40 Lot 22, 38 Sliker Road, Lebanon Township for the redemption of Tax Sale Certificate #201604,

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 \$14,011.70 to MTAG Cust for Empire VIII NJ Portfolio for this redemption, and that this check be mailed to:

Empire VIII New Jersey Portfolio LLC  
PO Box 2208  
Hicksville NY 11802

## **OLD BUSINESS**

### **Bid for Recontouring of Mechanic's Bay Floor**

One bid was received for the recontouring of the Mechanic's bay floor at the DPW Garage. TNT Construction Group, LLC submitted a bid for \$68,000, which is well above the anticipated cost for the project.

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee rejected the one bid received for the Recontouring of the Mechanic's Bay Floor due to the bid exceeding the anticipated budget threshold.*

The project will be reviewed, and future options will be considered.

### **Fair Share Housing Settlement**

Mayor Schmidt stated that additional legal work will be required to finalize the Fair Share Housing settlement. An ordinance and resolutions will need to be prepared. Attorney Lyons informed the Committee that the ordinance will include work with the Planner and the Court, as

well as overlays. It will be more complex work, therefore, will fall outside of the annual retainer. Attorney Lyons said that the resolutions are informal, so they will fall within the retainer. Attorney Lyons estimated that 6 hours, in total, will be needed to prepare the ordinance. If the work exceeds 6 hours, Attorney Lyons will report back to the Committee.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved up to, and not to exceed, 6 hours of work to complete the ordinance, with the understanding that the ancillary resolutions will fall within the agreed upon retainer.*

## **NEW BUSINESS**

### **2017 Police Blotter**

Chief Gale provided the Committee with an overview of the Police Departments' statistics for the 2017 year.

### **Board of Health Vacancy**

Mayor Schmidt provided the Committee with a proposed notice to be placed on the webpage, in the newsletter and sent to the schools. The purpose of the notice is to search for an individual, with a professional medical background, to sit on the Board of Health.

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the language in the notice.*

### **Approve Junk Yard Application – Burd Salvage**

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Junk Yard Application for Burd Salvage.*

### **Approve Junk Yard Application – A.S. Milkowski & Sons**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a Junkyard Application for A.S. Milkowski & Sons.*

### **Musconetcong Watershed Association Membership**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the Musconetcong Watershed Association Membership, at a cost of \$250.00*

### **Schedule Budget Meetings**

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote,* the Township Committee scheduled budget meetings to be held on Thursday, March 8, 2018 at 6:00 p.m., Thursday, March 15, 2018 at 6:00 p.m., Thursday, March 22, 2018 at 6:00 p.m.

### **Township Volunteer Event**

Mr. McKee and Ms. Koehler volunteered to organize the annual volunteer event. Mayor Schmidt appointed Mr. McKee as event coordinator with Ms. Koehler being co-chair.

Mr. McKee informed the Committee that in the past the volunteer event was a dinner party; however, in the recent past a picnic has been held. Mr. McKee said that he would like to ask the volunteers if they would prefer a dinner dance or a picnic. Discussion was held on possible venues for a dinner dance.

### **Library Committee Request for Appointment**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote,* the Township Committee endorsed the Mayor's appointment of Dawn Peterman to the Library Committee.

### **Fire Department**

Mr. Laul stated that the heating unit duct work, in the attic of Station 3, is not insulated. He would like to obtain quotes for having the duct work insulated. The Committee agreed for Mr. Laul's recommendation to obtain quotes.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Laul, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote,* the Township Committee approved the January 17, 2018 bill list, in amount of \$982,322.70, with the holding of the Ice Carving voucher until the event takes place.

### **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of December 2017
- b. Tax Collector's Annual Report
- c. EOSC - November 20, 2017 Meeting Minutes

**PUBLIC COMMENTS**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote,* the Township Committee opened the Public Comment portion of the meeting at 7:42 p.m.

There were no comments from the public.

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

**Resolution No. 22-2018 –Executive Session**

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote,* the Township Committee approved Resolution No. 22-2018 and convened in executive session at 7:44 p.m. The Committee will most likely be taking action when the regular meeting reconvenes.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 22-2018  
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: \_\_\_\_\_); **CWA Local 1040**

\_\_\_\_\_ 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: **Mid-American Salt**

Professional Service Contracts, **Municipal Attorney 2018 Contract Addendum Amendment**. 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.);

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, DPW Temporary Employee Position** 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.

**The public meeting reconvened at 8:51 p.m.**

**Professional Services – Municipal Attorney 2018 Contract Addendum Amendment**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved additional language to be included in the Municipal Attorney’s 2018 Contract Addendum. Under item 3, the Addendum will read: For complex matters related to conflicts of interest or ethics, there shall be no additional charge, as these matters will be covered by the retainer.*

**DPW Temporary Employee – James Kilhullen**

Mayor Schmidt stated that the Committee had previously provided James Kilhullen with an extension of his Temporary Employment position, so he would be able to obtain his CDL Air Brakes Endorsement. James has not yet been able to achieve the Endorsement, so the Committee must consider extending the Temporary Employment again, under the terms of his December 31, 2017 extension, through March 31, 2018.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee extended James Kilhullen’s Temporary Employment status, until March 31, 2018, under the terms of his December 31, 2017 extension, so he may accomplish his CDL Air Brakes Endorsement.*

**ADJOURNMENT**

*Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 8:54 p.m.*

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: February 7, 2018

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Mike Schmidt, Mayor