

CALL TO ORDER

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

Absent-

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

PRESENTATION OF MINUTES

Minutes of the Special and Executive Session of December 13, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Special and Executive Session meetings of December 13, 2016. AYES: Wunder, Laul, Schmidt, McKee ABSTAIN: Koehler

Minutes of the Special and Executive Session of December 15, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Special and Executive Session meetings of December 15, 2016. AYES: Wunder, Laul, Schmidt, McKee ABSTAIN: Koehler

Minutes of the Regular Meeting of December 21, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Regular meeting of December 21, 2016. AYES: Wunder, Laul, Schmidt, McKee ABSTAIN: Koehler

Minutes of the Executive Session of December 21, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of December 21, 2016. AYES: Wunder, Laul, Schmidt, McKee ABSTAIN: Koehler

Minutes of the Reorganization Meeting of January 4, 2017

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Reorganization meeting of January 4, 2017.

PUBLIC COMMENTS – for agenda items only.

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

RESOLUTIONS

Resolution No. 02-2017 – Professional Services – Municipal Auditor

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 02-2017 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 02-2017
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL SERVICES-
MUNICIPAL AUDITOR**

WHEREAS, the Township of Lebanon has a need to acquire a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and, WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and, WHEREAS, the anticipated term of this contract is one year; and, WHEREAS, ARDITO & CO., LLP has submitted a proposal, indicating they will provide the auditor services for the anticipated fee of \$28,961 (including court); and, WHEREAS, ARDITO & CO., LLP has completed and submitted a Business Entity Disclosure Certification which certified that ARDITO & CO., LLP has not made any reportable contributions to a political or candidate committee in the Township of Lebanon in the previous one year, and that the contract will prohibit ARDITO & CO., LLP from making any reportable contributions through the term of the contract; and, WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which

includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, authorizes the Mayor and Clerk of the Township of Lebanon to enter into a contract with ARDITO AND CO., LLP as described herein as auditors on and in behalf of the Township of Lebanon for the year 2017; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

Political Contribution Disclosure. This contract has been awarded to Ardito & Co., LLP based on the merits and abilities of Ardito & Co., LLP to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Ardito & Co., LLP, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19. affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the municipality when the contract is awarded.

Exhibit "A" (Mandatory Affirmative Action Language), Exhibit "B" (Affirmative Action Plan/ Report Filing Information), Exhibit "C" (Business Registration Certificate), Exhibit "D" (Business Entity Disclosure Certification) and Exhibit "E" (Political Contributions Disclosure Certification) are attached to and made a part of this contract.

Resolution No. 20-2017 NJDOT Grant Application – Hickory Run Rd Guide Rail Replacement

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 20-2017 as written below.

TOWNSHIP OF LEBANON RESOLUTION NO. 20-2017

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Hickory Run Road Guide Rail Replacement project.

NOW, THEREFORE, BE IT RESOLVED that the Committee of Lebanon Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Hickory Run Road Guide Rail Rempacem-00033 to the New Jersey Department of Transportation on behalf of Lebanon Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lebanon Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 21-2017 Redemption of Tax Sale Certificate

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 21-2017 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 21-2017
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201607 on October 14th 2016 to Lebanon Township and,

WHEREAS the amount of \$4,248.01 has been collected from Centurytel, the owner of this property, known as Block 56 Lot 13.02 T01, Lebanon Township for the redemption of Tax Sale Certificate #201607.

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 \$4,248.01 for the redemption of this lien paid to Lebanon Township.

OLD BUSINESS

Museum Addition - Architect's Presentation of Design

Architect Chris Nash was in attendance to present his design for the Museum addition, which includes an accessible lavatory facility, a storage room and a counter with a utility sink and work area. Mr. Nash stated that the drawings are not quite ready for bidding or permitting yet but will be in two weeks or so. Mr. Nash noted that there are some decisions that need to be made with items such as fixtures, items to be subcontracted in and out and what the Museum may be able to have donated to the project. Mr. Nash reviewed the design documents with the Committee.

Mr. Schmidt stated that once the bid package is complete and reviewed by the Township Attorney the Committee will have the opportunity to ask questions prior to moving forward with the bidding process.

Mayor Laul asked Mr. Nash; that with the expectation of eventually putting oil in the basement, and moving away from the propane heaters that are in the windows, can the pipe chase be designed into the plan at this time? Mr. Nash stated that there is an existing place on the plan where the pipe chase can be placed. Mayor Laul asked if this would be a good time to rough it in. Mr. Nash agreed that it would make sense to rough it in, at least the one going to the second floor, as the attic space will be constricted. Mr. Nash will add the pipe chase to the drawings. Ms. Koehler asked that the drawings be precise so the construction company does not make changes that will incur additional cost to the Township. Ms. Koehler asked if there are any concerns with the footings due to the historic nature of the building. Mr. Nash said that a test dig was conducted and they could get down about 3 ft. which is what Mr. Nash had hoped for. Mr. Nash noted that the foundation was mostly stone and fairly solid so there is no issue.

Mr. Nash informed the Committee that the bid specification will need to include add ins. The items to be included were discussed.

Ms. Koehler asked if the outhouse needs to be filled in. Ms. Laurie Hoffman stated that the Historians would like to keep the outhouse open because walkers and bikers use it. Ms. Koehler will call the Hunterdon County Health Department to see if it is acceptable to leave the outhouse open for the public's use.

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Historians to send the specifications/drawings to the Township Attorney for preparation of the bids packet subject to final approval by the Committee, before advertising.

Notice of Public Hearing – Green Acres Application

Mr. Schmidt informed those present that there will be a public hearing at the February 1, 2017 meeting for a Green Acres Grant application. Mr. Schmidt noted that questions on the application can be discussed at that time.

Title Search Proposal – 97 Red Mill Road Acquisition

Mr. Schmidt stated that a Title Search is the first step in having a Survey performed on the property. Mr. Schmidt said that he contacted four (4) different companies to obtain quotes. Title Lines provided the lowest quote and comes highly recommended.

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a proposal from Title Lines, in the amount of \$300.00, for a Title Search to be conducted at 97 Red Mill Road.

Property Survey – 97 Red Mill Road

Mr. Schmidt stated that he solicited various quotes for the survey work that will need to be done at 97 Red Mill Road. Mr. Schmidt received three (3) written and a verbal quote. Bohren and Bohren, who is authorized on the Green Acres approved list, provided the lowest proposal. Mr. Schmidt noted that New Jersey Water Supply Authority has offered to reimburse the Township for half of the cost for the Title Search and the Survey work. There is also a possibility that Green Acres may contribute funding for the other half of the cost.

Motion by Mr. Schmidt, seconded by Mayor Laul and carried by unanimous favorable roll call vote, the Township Committee approved the proposal from Bohren and Bohren, in the amount of \$3,960.00, for a survey to be conducted at 97 Red Mill Road.

Social Media

Mayor Laul stated that in 2016 the Township Committee discussed a Social Media Policy for the Township; however, it did not move forward. Mayor Laul said that he reached out to the Chairman of the EOSC, Adam Duckworth, for assistance, as the EOSC appears to use social media the most. Mr. Duckworth has agreed to research the best direction for the Township to go with social media and come back to the Committee with his suggestions. Mayor Laul said that he informed Mr. Duckworth that all interactions with Attorney St. Angelo, on the subject, will go through the Mayor.

Mr. Schmidt stated that he reviewed his past notes and the Committee is not looking for a medium where public discussion can take place, where there would be the need for a full time administrator to insure that there are no offensive comments posted by the public. The Committee is looking for a means to provide information to the public through social media. Those able to have use of the media would include the subcommittees, departments of the Township and the Fire Department.

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a motion to move forward in developing a Social Media Policy, written by Adam Duckworth, through Mayor Laul.

Winding Brook Road

Mayor Laul stated that last year the Winding Brook Road Association came to the Committee and asked if the Township would take over the road. Township Engineer Steve Risse was asked to assess the road to see what would be needed to bring it up to a Class II status. Engineer Risse provided the Committee with a report outlining the reasons why it would not be advisable for the Township to accept the road into the public road system.

Mr. Wunder stated that it would be too difficult to take over the road but he would like to see the Committee put together a proposal for the Township to plow the road in the winter months. Mayor Laul stated that he is concerned that a DPW truck could damage the roadway and then the Township would be liable. Mr. Schmidt stated his concerns with the many private roads in the Township and the precedent it will set if the Township took over the Winding Brook Lane. Mr. Wunder stated that it is a connecting road and that it is used during emergencies in the area. Mayor Laul stated that he is also concerned with putting the DPW employees at risk due to the road not being up to code.

Attorney Cushing stated that the Township is obligate to treat similar roads the same, but if there are true distinctions, an ordinance can be crafted enabling the Township to maintain the roads during winter weather.

Mayor Laul stated that he would like to address the specific request of the Winding Brook Road Association, in the Township accepting the road into the public roadway, to conclude the matter.

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee denied the request of taking over Winding Brook Lane as it will never be a Class II road.

Verizon Wireless Nodes

Attorney Cushing stated that this subject has come up state wide because Verizon is trying to add nodes in many areas. Attorney Cushing said there may be more to the matter than originally realized. Attorney Cushing stated that the system being proposed by Verizon is a line of site system and the nodes need a line of site from pole to pole. Attorney Cushing noted that many times the utility companies do not want the nodes on their poles so new poles need to be installed. There is also a problem in neighborhoods where there are underground utilities, as there are no poles to hang the nodes on. Attorney Cushing stated that another concern is that Verizon will not be the only provider asking to use the poles and, although the Township does have the right to regulate the use of the poles by a company, all companies must be treated the same. If a blanket approval is given to Verizon, the same approval will need to be given to all other utilities. Attorney Cushing stated that colocation should be encouraged to minimize the infrastructure that will need to be added. Attorney Cushing said that many towns realize that there is a legal obligation, to permit the installation of the nodes, but many towns are saying that they should look at the request more closely. Bedminster adopted a resolution stating that they understand what Verizon wants to do but they want more control. They want to know who will maintain the poles, and if more poles are to be installed; there should be public discussion. Bedminster wants to know where the poles will be located, how many and will there be issues with maintenance during an outage?

Attorney Cushing stated that after he learned of the issues, he questioned if the Township Committee was fully educated on things that could be complications and that possibly, more information should be collected. Attorney Cushing stated that the Township ordinance should be looked at to see how it handles the right-of-way in the Township.

Attorney Cushing suggested that the Committee wait to see how the matter evolves or for the Township to consider an ordinance to regulate the right-of-ways. Attorney Cushing noted that it may have been hasty in giving blanket approval to Verizon.

Mr. Schmidt asked if the testimony provided by Ms. Windsor connects to the resolution that was adopted by the Committee. Attorney Cushing stated that he feels that it would be weak if Verizon were to say that the testimony was just guidelines. Attorney Cushing stated that he would not rely on the testimony that was provided. The testimony was most likely accurate; however, it was not as broad as it should have been. Attorney Cushing suggested partnering with Verizon in coming up with a plan.

Discussion was held on the type of technology that Verizon is proposing. Mayor Laul stated that he believes that the nodes proposed in the Township are dissimilar from the technology that the League of Municipalities is looking into, which is line of site.

Mr. Schmidt asked what a reasonable time is in approving the plan. Attorney Cushing said that he does not believe that time is pressing because no application has been submitted. Attorney Cushing stated that due to the nodes being proposed on a County road, the County and the Township should coordinate their response.

Discussion was held on whether future discussions should be held at the Planning Board or the Township Committee. The Committee decided that it would be appropriate for Verizon to go before the Planning Board. The goal would be to implement the process in a way that least impacts the residents.

Attorney Cushing will draft a resolution outlining the facts and concerns that the Township has with Verizon's proposal.

RESOLUTION 22-2017 – Revoking Resolution No. 81-2016

Motion by Mayor Laul, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee revoked Resolution No. 81-2016 and authorized Attorney Cushing to draft a resolution, consistent with the points that were discussed. The Resolution will be ratified at the February 1st meeting.
AYES: Wunder, Laul, Schmidt, McKee ABSTAIN: Koehler

NEW BUSINESS

Miquin-Woodglen Trail Project – Appraisal Proposals

Mr. Schmidt stated that it has been discussed for years, to see if the property owner of Block 37, Lot 17 would be willing to sell a portion of her property to enable connectivity between Miquin Woods and Woodglen Road. The property owner has now agreed to sell a portion of her property to the Township as she supports the connection of the two properties. The first step in the process would be to have land appraised.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Norman J. Goldberg to appraise approximately 2 acres of Block 37, Lot 17, at a cost of \$750.00.

Internet Technology – Subcommittee

Mayor Laul stated that he appointed Ms. Koehler to oversee Internet Technology, for the Township, for a few reasons. Mayor Laul stated that he would like to see the Township move to paperless meetings, with an electronic format, in order to minimize paperwork. Mayor Laul noted that Lebanon Township School has an

IT employee who may be able to assist with the process. Ms. Koehler stated that she attended the Board of Education meeting and the Board uses Chrome Books. The meeting material is not emailed; it is obtained through the school's server. Mayor Laul stated that the EOSC puts their agenda and minutes on the screen at each meeting and it may be a good idea to purchase something to hold the projector so it does not need to be moved around. Mayor Laul said that he would like an audit of the computers in the Township.

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Ms. Koehler and Mayor Laul as a sub-committee for Internet Technology.

Federal Aviation Administration – Private Airport Data Survey

The Federal Aviation Administration has sent a survey to the Committee to find out if the Township would like to retain the Private Airport status in the Park. Mr. Schmidt stated that there is no cost to renew the standing and there are no special requirements.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to complete the survey to retain the Private Airport Status.

Musconetcong Watershed Association – Membership Correspondence

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

Raffle Application – Voorhees Vikings Booster Club Inc. – 05/22/2017

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application, for Voorhees Viking Booster Club Inc., for an event to be held on 05/22/2017.

Approve Junk Yard Application – Burd Salvage

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved a Junk Yard Application for Burd Salvage. AYES: Koehler, Laul, McKee, Schmidt ABSTAIN: Wunder

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

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved a Junkyard Application for A.S. Milkowski & Sons. AYES: Koehler, Laul, McKee, Schmidt ABSTAIN: Wunder

Animal Control Officer

Ms. Koehler stated that she met with Mr. Wunder, Clerk Sandorse and Chief Gale to discuss what the Animal Control needs are for the Township. Three different Animal Control proposals were received; however, they were all very different. Ms. Koehler stated that it would be difficult in choosing the ACO until you define what the Township's requirements are and who will be responsible to carry out those responsibilities. Ms. Koehler stated that Chief Gale would like to be the first point of contact as the Police

Department can many times resolve the issue; however, there may be times when the ACO will need to be involved.

Ms. Koehler stated that due to confusion, she prepared a grid to be discussed at the next subcommittee meeting to decide the scope of the Township's requirements. Interviews can then be conducted and costs can be considered.

Mr. Wunder stated that the Township ordinance needs to be amended to include cats and live stocks.

Amendment to Lease Agreement - 528 West Hill Road

Mayor Laul stated that the proposed amendment to the Lease Agreement between the Township and the LTVFD, for the rental of Fire Station No. 3, would enable the Fire Department to sublease the building

for events without Committee approval. Fire Chief James Crampton stated that he reviewed the proposed amendment and he found no issues with the language. The limitation of event hours and when the facility can be used was discussed. The lease was reviewed in detail by the Township Committee. Attorney Cushing will make the changes to the Agreement based on the Committee's comments. The

Agreement is to be sent to the Fire Department for review and to be approved at a future Committee meeting.

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Department's request to sublease Fire Station No. 3, on January 21, 2017, for a child's birthday party.

LTVFD Hall Rental Agreement – tabled

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, the Township Committee approved the January 18, 2017 bill list in amount of \$ \$2,619,712.24 along with a payment to the Treasurer, State of New Jersey for \$235.00. The E-Consult payment must be verified by Mr. McKee with Attorney Cushing prior to payment.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of December 2016
- b. Tax Collector's Annual Report
- c. Library Committee - December 14, 2016 Meeting Minutes
- d. Recreation Comm. - September 1, 2016/October 11, 2016/November 3, 2016 Meeting Minutes
- e. EOOSC - November 21, 2016 Meeting Minutes

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Schmidt, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 9:21 p.m.

Ms. Laurie Hoffman thanked the Committee for approving the addition for the Museum. Ms. Hoffman noted that it is on record, at the County, that the Township did not vacate the roadway near Irish Town, on Route 31 North; they only vacated the roadway by Davara. Ms. Hoffman wants to know if the Township will have a say in where the poles will be placed by Verizon.

Mr. Milkowski stated that a new boiler will most likely need to be installed in the museum and since there is not natural gas in the area, it will most likely be an oil burner. Mr. Milkowski said that he would like the footing for the chimney installed at this time, facing the river, because it will be below grade and he would not like to see a low spot created.

Mr. Gary Milkowski thanked Architect Chris Nash for all of the work that he has done for the Township and the Fire Department. Mr. Milkowski said that the wiring, for the new generators at the Fire Stations, is not good. It was installed high and is a tripping hazard at Fire Station No. 2 and Station No. 3. Mr.

Milkowski told the Committee that they did a good job on making a decision on the Winding Brook Lane request. Mr. Milkowski noted that if the Township starts to plow the road it may be used more. Also, if the road is then damaged, the residents will be complaining. Mr. Milkowski said that plowing the roads would also be rough on the Township's DPW trucks.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 9:28 p.m.

Resolution No. 23-2017 –Executive Session

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 23-2017 and convened in executive session at 9:29 p.m. The Committee may take action when the regular meeting reconvenes.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 23-2017
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 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 10:36 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 1, 2017

Marc Laul, Mayor