

CALL TO ORDER

Mayor 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 everyone to stand for the Flag Salute followed by a Moment of Silence for our men and woman in service.

ROLL CALL

Present	Marc Laul	Thomas McKee	Brian Wunder
	Mike Schmidt	Beverly Koehler	

Absent-

Also Present - Attorney Matt Lyons, Deputy Clerk Kimberly Jacobus and 2 members of the public.

PRESENTATION OF MINUTES

Minute of the Reorganization Meeting of January 2, 2019

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Reorganization Meeting of January 2, 2019.

Minutes of the Special & Executive Meetings of January 16, 2019

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Special Meeting and Special Executive Meeting of January 16, 2019.

Minutes of the Regular & Executive Meetings of January 16, 2019

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting and Executive Meeting of January 16, 2019.

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.

There were no comments.

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.

ORDINANCES

Public Hearing

Ordinance No. 2019-01- Establishing a Cap Bank

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved to excise an extra “that any” from Paragraph 7.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance 2019-01 was opened.

There were no comments from the public.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance 2019-01 was closed.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2019-01 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2019-01
CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of the Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 43,921.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 153,725.18, and that the CY 2019 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTIONS

Resolution No. 26-2019 – Charges for Police Services for Schools and Other Contractors

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 26-2019 as written below. Exhibit “A” as attachment.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 26-2019**

**RESOLUTION ESTABLISHING THE RATE CHARGED FOR POLICE SERVICES TO
SCHOOLS AND OTHER CONTRACTORS**

WHEREAS, the Township of Lebanon is occasionally paid on an hourly basis for police services at school events outside of the services provided by School Resource Officers and for police services provided to various private contractors; and

WHEREAS, the Board of Education and private contractors obtain such police services by completing the Request Form for Police Services which includes the required information regarding the services and the estimated cost for such services, a copy of said form is attached hereto as Exhibit “A”; and

WHEREAS, the Township police use Township vehicles and equipment in the performance of police services and the Township incurs employment taxes and overhead costs related to such services; and **WHEREAS**, the Committee of the Township of Lebanon has the authority to establish the rate charged for police services provided to schools and various contractors.

NOW THEREFORE, BE IT RESOLVED that the Township of Lebanon will charge for police services provided to schools outside of the services provided by School Resource Officers at the rate of \$90.00 per hour, or fraction thereof, and

BE IT FURTHER RESOLVED that the Township of Lebanon will charge for police services provided to any contractor other than schools at the rate of \$115.00 per hour, or fraction thereof, and

BE IT FURTHER RESOLVED that these charges will go into effect for police services starting July 1, 2019, and remain in effect until changed by action of the Committee of the Township of Lebanon.

Resolution No. 27-2019 – Bequest of the Estate of Grover W. Melligan

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2019 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 27-2019**

**RESOLUTION AUTHORIZING MATTHEW P. LYONS, ESQ., OF THE LAW FIRM OF
GEBHARDT & KIEFER, PC, TO EXECUTE THE NECESSARY DOCUMENTS TO OBTAIN
THE BEQUEST OF THE ESTATE OF GROVER W. MELLIGAN**

WHEREAS, the Estate of Grover W Melligan includes a bequest to the Lebanon Township Museum which shall be deposited in the Museum Trust Fund and spent in accordance with Ordinance No. 2018-10, adding Chapter 83, entitled “Historian Committee;” and

WHEREAS, D. Dale Seif, Jr., Esq., of the law firm of Seif & McNamee, LLC, is processing the Estate of Grover W. Melligan; and

WHEREAS, it is necessary in order to expedite the administration of said Estate for the Township of Lebanon Museum to execute a Waiver of Notice of Hearing on Inventory and Consent to Donation of Personal Property; and

WHEREAS, any funds received from the Estate of Grover W. Melligan shall be deposited into the Museum Trust Fund account and shall be used in accordance with the Ordinance creating the Lebanon Township Historian Committee, specifically, Section 6 entitled “Museum Trust Fund.”

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that Matthew P. Lyons, Esq., of the law firm of Gebhardt & Kiefer, PC, is hereby authorized to execute the Waiver of Notice of Hearing on Inventory; and

IT IS FURTHER RESOLVED, that Matthew P. Lyons, Esq., of the law firm of Gebhardt & Kiefer, PC, is authorized to execute the Consent to Donation of Personal Property; and

IT IS FURTHER RESOLVED, Matthew P. Lyons, Esq., of the law firm of Gebhardt & Kiefer, PC, is further authorized to execute any additional documents necessary to finalize the administration of the Estate of Grover W. Melligan in order for the Lebanon Township Museum to obtain the funds associated with the bequest of Grover W Melligan.

OLD BUSINESS

Ms. Koehler stated that the Fire & Ice event sponsored by the Recreation Commission & Park Committee was a great success and thanked everyone who attended and helped with it.

NEW BUSINESS

Library Committee's Request to Appoint Member

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of Patricia Wentz to the Library Committee.

Recreation Member Adjustment

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of Alt #1 Laurie Hoffman to fill an unexpired term-vacancy, expiring 12/31/20 and for Alt #2 Jason Juskiewicz to move to Alt #1, term expiring 12/31/19.

Request for Permission to Collocate T-Mobile's Equipment on American Tower's Cell Tower

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approve the language to expand the lease for the cell tower located at 530 West Hill Road and authorize the Mayor to sign the letter.

DPW Manager Request to Advertise for Employee-TABLED

Police Chief's Request to Purchase a Computer Mount

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a Computer Mount from M & W Communications for a police vehicle in the amount of \$1147.82.

Animal Control Officer Liaison

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved merging the ACO Liaison into the Police Liaison position.

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 bill list in the amount of \$962,675.43.

CORRESPONDENCE

- a. 2018 Police Blotter
Police Chief Gale was present to give the Committee an overview of the 2018 Police Activities
- b. Township of Washington–Letter of Appreciation for the Lebanon Township Vol. Fire Department
- c. Notice of Upcoming Recreation Commission Events
- d. Minutes of the December 3, 2018 EOOSC Meeting

PUBLIC COMMENTS

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

There was no comment from the public.

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

EXECUTIVE SESSION

Action will most likely not be taken when the meeting reconvenes.

Resolution No. 28-2019

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 28-2019 and convened in executive session at 7:48 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 28-2019**

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: _____ Police Chief's 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 _____. 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: Personnel-Police Chief, Zoning Officer and potential shared service with Tewksbury Township 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: _____ 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.

The Committee reconvened the public meeting at 8:48 p.m. No action was taken.

ADJOURMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:49 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: March 6, 2019

Mike Schmidt, Mayor