

**Lebanon Township Committee  
February 19, 2020**

**Minutes of Regular Meeting**

**CALL TO ORDER**

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

**ROLL CALL**

Present	Marc Laul	Thomas McKee	Brian Wunder
	Mike Schmidt	Beverly Koehler	

Absent- None

Also Present - Attorney Matt Lyons, Administrator James Barberio, Police Chief Erik Rautenberg, Deputy Clerk Kimberly Jacobus and 5 members of the public.

**PRESENTATION OF MINUTES**

Minutes of the Regular and Executive Session Meetings of February 5, 2020

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session Meetings of February 5, 2020 as modified.*

**PUBLIC COMMENT**

*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.*

There were no comments from the public.

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.*

## RESOLUTIONS

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 30-2020 as written below.*

### **Resolution No. 30-2020 – Appointment of Municipal Court Prosecutor**

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 30-2020  
RESOLUTION AUTHORIZING THE ENGAGEMENT  
OF A MUNICIPAL COURT PROSECUTOR

**WHEREAS**, the Township of Lebanon has entered into a Shared Services Agreement for a Shared Municipal Court between the Township of Lebanon and the Township of Tewksbury; and

**WHEREAS**, the Municipal Court requires the services of a Municipal Court Prosecutor for 2020 year; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Committee of the Township of Lebanon, Hunterdon County, New Jersey, hereby ratifies the appointment of Matthew C. Dorsi, Esq., of the law firm DiFrancesco, Bateman, Kunzman, Davis, Leher & Flaum, P.C., as Municipal Prosecutor for the 2020 year.

## OLD BUSINESS

### **Township Appreciation Event**

Mr. Laul is organizing the Township Appreciation event this year. He was given several dates that the Park was available. The Township Committee agreed to hold the event in the Park on June 6, 2020. Mr. Laul will prepare something for the next meeting.

### **Temporary Weight Ordinance**

Mr. Laul stated that the County is going to replace Bridge-L6 on County Route 513 (near Hickory Run Road). Previously, the County stated that the Township could pass a temporary weight ordinance for Raritan River Road, Little Brook Road and Hill Road to help Township Officers enforce the truck route of 15 ton limit. Attorney Lyons stated that normally, the requirement is to get the ordinance to the D.O.T. in advance. Attorney Lyons stated that it has to be done by ordinance. To avoid passing a second ordinance "to undo" it and to make it sunset (end) at the completion of the project once certified by the County Engineer, there has to be start and ending dates. Mr. Laul stated the work is to start on May 4 and end on September 20.

## ADMINISTRATOR'S UPDATE

Mr. Barberio stated that he had nothing new to report. He would like to do the report on a monthly basis.

Ms. Koehler stated that she wanted it left on for each meeting. Mr. Barberio stated he is still working on the Policy and Procedure manual and will be sitting with the Collector to discuss on-line payments.

## **NEW BUSINESS**

There was no new business.

## **PRESENTATION OF VOUCHERS**

The Committee provided a description of vouchers over \$1,000.00

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the February 19, 2020 Bill List in the amount of \$2,727,751.65.*

## **CORRESPONDENCE**

### **NJ DEP – Removal of Classification Exception Area – Fire Station No. 1**

Mayor Schmidt stated that there is good news from the NJDEP relating to the ground water issue at Fire Station #1. The letter stated that water sampling demonstrates that the New Jersey Ground Water Quality Standards have been achieved. Therefore, the Department has removed the Classification Exception Area/Well Restriction Area effective as of the date of the letter, February 5, 2020. The Mayor stated that the next step is for the Township to decommission the monitoring wells at Fire Station #1. Then the project will be complete.

### **Musconetcong Watershed Association – Municipal Membership**

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved paying the \$250 membership fee for the Musconetcong Watershed Association.*

### **Animal Control Report for the Month of January 2020**

Ms. Koehler brought up an incident that she wanted to discuss in Executive Session under Public Safety regarding the Animal Control report.

### **Curator's Report – February 5, 2020**

Mr. McKee stated that Ms. Koehler did a presentation of the proclamation on Suffrage at their last meeting and they are having Suffragette sash making at the Museum on Thursday and Saturday. Historian David Overaker will be giving a presentation on March 22 on how to search the history of your home.

## Tax Collector's Report for the Month of January 2020

Mayor Schmidt stated that this was the final Tax Collector report from Mary Hyland who retired in January.

## PUBLIC COMMENTS

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

Ms. Laramie Silber-Musconetcong River Road, questioned the Committee regarding 2 vouchers. The first was regarding paying for snow and ice removal on 2 particular roads and the second was regarding the repairing of the DPW floor.

*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.*

## EXECUTIVE SESSION

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 31-2020 and convened in executive session at 7:23 p.m. Chief Rautenberg remained for the Executive Session.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 31-2020  
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;

Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection; **4-12 (b) (6) PUBLIC SAFETY-Animal Control**

\_\_\_\_\_ 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:

\_\_\_\_\_ 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.

**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.

Public Meeting reconvened at 7:28 p.m. No action was taken.

**ADJOURNMENT**

LTCM  
02/19/2020  
Page 6 of 6

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 7:29 p.m.

Respectfully submitted,

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Kimberly Jacobus, Deputy Clerk

Approved: March 4, 2020

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Mike Schmidt, Mayor