

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	Ronald Milkowski
	Brian Wunder	Mike Schmidt	

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 16 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of March 16, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of March 16, 2016.

Minutes of the Budget Meetings of March 3, 2016, March 10, 2016 and March 17, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the budget meetings of March 3, 2016, March 10, 2016 and March 17, 2016.

Minutes of the Executive Session of March 10, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of March 10, 2016.

PUBLIC COMMENTS – limited to agenda items only.

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

ORDINANCES

Ordinance No. 2016-04

Introduction

Ordinance No. 2016-04- PEDDLING AND SOLICITING

Mayor Laul stated that the Committee had considered another ordinance but the Fire Department had some comments and changes. The Committee decided to pull back the ordinance to make the changes and to reintroduce a new ordinance.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2016-04 on first reading as entitled below.

AYES: Schmidt, Wunder, Laul, McKee NAYS: Milkowski

Mayor Laul asked Mr. Milkowski about his reservations in introducing the ordinance. Mr. Milkowski said that he spoke to the Police Chief about the proposed ordinance and he feels that it is cumbersome. There are things in the ordinance that may not be necessary. Mr. Milkowski noted that a few of his concerns have been changed; however, issues with inclement weather and who can cancel the event are still a problem. Mr. McKee asked why the ordinance is being changed at this time. Mayor Laul explained that when the Peddler's and Solicitor's Ordinance was rewritten and adopted, the Coin Toss section was omitted in error. Mr. McKee asked why the ordinance has become so lengthy and the original language not added back to the new Peddling and Soliciting Ordinance. Attorney Cushing stated that he believes that the proposed ordinance is written to comply with state statute.

Mr. Milkowski noted that he informed the Fire Department that the newly drafted ordinance was available for them to pick up but he has not heard from them with any concerns so he assumes they are satisfied.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2016-04
AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF
THE TOWNSHIP OF LEBANON REGARDING PEDDLING AND SOLICITING

Public Hearing to be held on April 20, 2016

RESOLUTIONS

Resolution No. 30-2016 – Professional Services Contract -Museum Restroom/Septic System – Architect Proposal

Motion by Mr. Schmidt, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 30-2016
PROFESSIONAL SERVICE APPOINTMENTS**

WHEREAS, there exists a need for Attorneys, Engineers, and Professional Experts for the Township of Lebanon, and

WHEREAS, the Local Public Contracts Law (N.J.S. A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the Mayor, Township Clerk and Chief Financial Officer are hereby authorized and directed to execute the agreements; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, on this 6th day of April, 2016 the following contract is awarded.

1. Christopher J. Gnash, AIA, Architect for Architectural Design Services and Drawings for 2016.

2016 BUDGET INTRODUCTION

Resolution No. 31-2016 - Delay in Budget Introduction

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 31-2016**

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 18 of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2016 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the

Director of the Division of Local Government Services to allow a delayed introduction of the 2016 Lebanon Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Resolution No. 32-2016- Special Item of Revenue~

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 32-2016**

WHEREAS, the 2016 Local Municipal Budget was introduced on the 6th day of April, 2016; and,

WHEREAS, during the fiscal year 2016 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$39,575.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2016 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program-2016	\$26,763
Clean Communities Program - Prior Year Unapprop	4,730
Drunk Driving Enforcement Grant – Prior Year Unapprop.	3,017
Recycling Tonnage Grant - Prior Year Unapprop	3,807
Body Armor Grant - Prior Year Unapprop.	<u>1,258</u>
	<u>\$39,575</u>

Resolution No. 33-2016 - Deferral of School Taxes

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 33-2016**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their

budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2015, and be reflected in the Annual Financial Statement for the year 2015 as follows:

AMOUNT	FY 15-16	MAXIMUM
	<u>SCHOOL LEVY</u>	<u>OF DEFER TAX</u>
Local School Tax	\$9,541,000	\$4,770,500
TOTAL MAXIMUM DEFER TAX 12/31/15		4,770,500
LESS – DEFER TAX 12/31/14		4,391,263
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2015		\$379,237
ACTUAL AMOUNT INCREASE OF DEFERRED AT 12/31/15		\$225,000

Resolution No. 34-2016- 2016 Municipal Budget Introduction

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 34-2016 as written below.

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 34-2016**

WHEREAS, the Township of Lebanon is holding a meeting on April 6, 2016, for the purpose of introducing the 2016 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2016 Local Municipal Budget be introduced and approved on April 6, 2016.

2016 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 690,398.00
Total Miscellaneous revenue	2,795,697.00
Receipts from Delinquent Taxes	280,000.00
Local Property Taxes	<u>2,083,574.00</u>
Total General Revenues	<u>\$5,849,669.00</u>
 Salaries and Wages	 \$2,179,261.00

Other Expenses	1,758,757.00
Capital Improvements	33,916.00
Debt Service	930,873.00
Statutory Expenses	532,596.00
Reserve for Delinquent Taxes	414,266.00
Total 2016 Municipal Budget	<u>\$5,849,669.00</u>
Municipal Tax Rate	\$0.2802 (Est.)

OLD BUSINESS

DPW Garage – Mechanic’s Bay Floor

Mr. Wunder stated that he met with the Engineer, the DPW Manager and the DPW Mechanic yesterday and Mr. Milkowski joined the meeting later. Mr. Wunder said that the Engineer decided that it would be best to take more of the floor out, as the mechanic had mentioned in an earlier meeting. It will be more work and time consuming in cutting two sections and installing the grates. The Engineer did not seem to think that it will cost much more to include the rest of the floor area, plus or minus two feet.

Mr. Milkowski stated that he spoke to the Engineer today and he spoke to the architect of the project to obtain the architectural drawings. The Engineer will be able to look into the hair pins that are poured into the floor which supports the piers opposite each other. The Engineer will review the plans to see if that section of the floor can be removed. He will then contact the structural engineer to see how it can be handled. If the center area can be cut out it will be a 36 ft. x 38 ft. section that will be removed. Mr. Wunder stated that the cut will be 2 ft. out from the walls with a few adjustments for the workbench area and some equipment. Mr. Milkowski noted that the Township will need something in writing from the Engineer that the removal of the floor will not compromise the integrity of the building.

NEW BUSINESS

Gail Glashoff, Zoning Board Secretary Correspondence – Board Appointment

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Deborah Guevara to the Board of Adjustment as Alternate II; term expiring on 12/31/2017.

Raffle Application – NJ Center for Tourette Syndrome & Associated Disorders Inc. – 06/11/2016

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for the NJ Center for Tourette Syndrome & Associated Disorders Inc. for an event to be held on 06/11/2016.

Social Affair Permit - St. John Neumann Church – 06/04/2016

Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for St. John Neumann Church for an event to be held on 06/04/2016. AYES: Schmidt, Laul, McKee, Milkowski NAYS: Wunder

Hunterdon County Chamber of Commerce Correspondence – Membership Application

Mayor Laul stated that the Chamber of Commerce is looking for municipalities to become members of the Chamber as well as for Committee members who would be interested in serving on Ad-hoc Committees and participating in different events.

Renewal by Anderson – Acknowledge Solicitor’s Applications

Renewal by Anderson has submitted five Solicitor’s License applications for individuals who will sell windows and doors at resident’s homes. The Police Department conducted a background check on the applicants. The Clerk will issue the licenses.

DPW Manager Request for Summer Help

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to hire two summer employees. The employees will be paid out of the Clean Communities grant funds.

DPW Employee – Notice of Impending Disability Leave

Mayor Laul said that the Committee has received notice from DPW Employee Jason Apgar stating that he will be on medical leave beginning on April 13, 2016. Attorney Cushing stated that this notification was provided very late. Attorney Cushing informed the Committee that they should have a discussion on the request but first a Rice Notice will need to be provided to the employee. A Notice will be given to Jason for the next meeting and in the meantime legal matters will be discussed.

PRESENTATION OF VOUCHERS

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

Mr. Milkowski stated that he has a question on a \$950 voucher for an extended warrantee for equipment in the Police Department. He would like to receive clarification prior to payment.

Mr. Milkowski stated that there is another voucher which has numerous late charges for the copier in the Police Department. He would like to receive clarification on this voucher also prior to payment.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the April 6, 2016 bill list in amount of \$ 120,762.86 pending clarification on the two aforementioned vouchers.

CORRESPONDENCE

Library Committee – Meeting Minutes of March 9, 2016
Hunterdon County Chamber of Commerce – 3rd Annual Hunterdon County Community Day –
06/04/2016 – 12:00 PM – 6:00 PM

Mayor Laul stated that there was a brush fire at the Land Trust property behind Hagedorn and that he was called by the OEM Coordinator due to the possible need for fuel. Mayor Laul said that he was at the site of the fire for approximately 2 hours and was very impressed with the number of volunteers from 12 different departments who came to help fight the fire.

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:33 p.m.

Mr. Win Seipel of Berry Drive asked what the process would be to have a noise ordinance established in the Township. Mr. Seipel stated that the ATV noise from a neighbor's property is a problem and feels that it would be productive having an ordinance to address the noise which has been outrageous. Mr. Pat Kirchner stated that they have been dealing with a problem for five years. They live on a quiet residential lane and a neighbor has a business with a race track. The noise is terrible. Mr. Kirchner stated that they had the mediation with the neighbor but it has only gotten worse. They have contacted the Police Department, the Township Committee and sent letters to the individual. Mr. Kirchner noted that there are state statues relative to ATV's and mufflers and informed the Committee that there are now turbo diesel trucks in and out of the private driveway multiple times a day. They will sit on the property and idle and rev their engines even at 11:30 p.m. Mr. Kirchner stated that the police found violations on the truck and issued a warning but it still continues. Mr. Kirchner questioned why a business can be in a residential neighborhood. Mr. Kirchner suggested that the Committee should adopt a "Disturbing the Peace" ordinance; then the police could react. Mr. Sean Francis of Berry Drive stated that he has a problem with the noise as it is atrocious. There are no mufflers on the vehicles and once a week a very large garbage truck backs 3000 feet down the road to pick up a dumpster for the business. Mr. Francis told the Committee that he is concerned with the recklessness. Ms. Cindy Walsh stated that she lives behind the neighbor and is concerned about the speeding and potential environmental impacts from their business. Ms. Walsh noted that her main concern is the safety of the children and people who walk and run in the area. Noise Ordinances were discussed. Attorney Cushing suggested that the property owners speak with the Zoning Officer. Mayor Laul will speak with the Zoning Officer and the Board Secretary about the issue.

Ms. Laurie Hoffman asked who would regulate a noise ordinance. Someone would have to come into the Township to check on the volume of the noise. Mayor Laul stated that for an objective ordinance there would need to be a meter which would have to be calibrated every year.

Ms. Hoffman stated that on the website it says that the Township is looking for volunteers to work on grants. Ms. Hoffman said that she did not know that it was a volunteer position; she

thought that the grant writer would receive a percentage of the grant money the Township received. Ms. Hoffman stated that it is a lot of work to write a grant and suggested that “volunteer” be removed from the website and if there is someone interested in applying for a grant, pay can be worked out.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:13 p.m.

Resolution No. 35-2016 –Executive Session

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 35-2015 and convened in executive session at 8:15 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 35-2016**

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.)

___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: Advise from Attorney _____

_____ 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 Interpretation of 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.

The Township Committee reconvened the Public Meeting at 9:13 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:14 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 20, 2016

Marc Laul, Mayor