

**Lebanon Township Committee
April 19, 2017**

Minutes of Regular Meeting

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 Tara St. Angelo, Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Minutes of the Budget Meeting of March 2, 2017

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Budget Meeting of March 2, 2017.

Minutes of the Regular Meeting of March 15, 2017

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 15, 2017.

Minutes of the Regular Meeting of April 5, 2017 - Tabled

PUBLIC COMMENTS – for agenda items only.

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.

There were no comments from the public

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

2017 BUDGET – Public Hearing

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing on the proposed 2017 Budget.

There were no comments from the public.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the public hearing.

2017 Budget Adoption

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted the 2017 Municipal Budget.

RESOLUTIONS

Resolution No. 43-2017 – Cellco Partnership, d/b/a/ Verizon Wireless Request for Consent

Mayor Laul stated that revisions to the resolution, provided by Cellco Partnership, d/b/a/ Verizon Wireless, were made by the Township Attorney. Attorney St. Angelo provided the Committee with an amended resolution which specified the changes that were made. Mayor Laul stated that if the Committee finds the amendments to be satisfactory, a copy will be sent to Verizon for their comments.

Discussion was held on additions or modifications to the resolution relative to broader language, adding ground based equipment to Section C, item f, concerns with potential noise issues in the future and adding “existing in the right of way *or on any private property*” to Section C, item r.

Ms. Koehler stated that she is concerned that there may be homeowners who will have a ground cabinet placed right in front of their homes. Ms. Koehler questioned if the property owners are being notified. Ms. Koehler stated that she would like to know exactly where the cabinets will be installed and noted that the Committee can decide if a new pole should be installed instead, with a smaller box on it. Mayor Laul and Mr. Schmidt said that if the cabinets are located in the easement there is not much that the Township can do about it.

Ms. Koehler said that she would like it to be on record that she has concerns with the placement of the cabinets on the Hatwell property, at 395 Route 513, and the Hugelmeyer property, at 222 Route 513.

Ms. Koehler stated that she is also concerned that there may be a line of site issue at the Bunnvale Sunoco, on Route 513. The Committee noted that the Township Engineer and the County Engineer will be responsible to ensure that there is no line of site issue at the gas station.

Attorney St. Angelo will make the modifications to the resolution and will also reach out to the Verizon attorney to see if they provided notification to the affected property owners.

Resolution No. 44-2017 – Dedication by Rider – Police OS Employment

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2017 as written below.

Township of Lebanon of Hunterdon County, New Jersey

**A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR OUTSIDE EMPLOYMENT OF
OFF-DUTY MUNICIPAL POLICE OFFICERS REQUIRED BY
LOCAL FINANCE NOTICE CFO 200-14
RESOLUTION NO. 44-2017**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, Local Finance Notice CFO 2000-14 and an Attorney General's office directive provides for receipt of monies from third parties for Outside Employment of Off-Duty Municipal Police Officers by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Outside Employment of Off-Duty Municipal Police Officers are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township Council of Township of Lebanon, County of Hunterdon County, New Jersey as follows:

- 1.** The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Outside Employment of Off-Duty Municipal Police Officers.

- 2.** The Clerk of the Township of Lebanon, County of Hunterdon County is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

OLD BUSINESS

Museum Addition Bid

Mayor Laul stated that the Committee has been provided with the final bid documents for their review. If the Committee is satisfied, the advertisement can now be placed. Mr. Schmidt stated that, on May 8, 2017 at 9:00 a.m., a preconference meeting will be held, bids will be opened on May 17, 2017 and the bid award will be on May 25, 2017.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to advertise for bids for the Museum's Accessible Lavatory Addition.

Fire Chief's Vehicle Accessory Equipment Bid

Mayor Laul stated that the Committee has been provided with the final draft for the bid for the Fire Chief's vehicle accessory equipment. The Committee needs to decide on the bid opening date and the date that the bid will be awarded.

Bids will be opened on May 10, 2017 and will be awarded on May 17, 2017.

Ambulance Bid

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to advertise for bids for the ambulance. Bids will be opened on May 19, 2017 and will be awarded on June 7, 2017.

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee waived the \$7.85 charge for the Chief's vehicle accessory equipment and the ambulance bids.

Fire Department Station 3 Lease Agreement

Mayor Laul stated that the first sentence in Section 5, Part B., should be amended to read that the Tenant agrees to give reasonable access to the Township for its activities, and to other Township agencies, committees, boards, commissions and affiliated organizations designated by the Township Committee.

Mayor Laul also stated that on Page 8 it is noted that the hours for use are 9:00 a.m. to 6:30 p.m. Mayor Laul informed the Committee that there is commercial interest in using the building and they would like to start their program earlier than 9:00 p.m. Mayor Laul suggested changing the opening time to 6:30 a.m.

Attorney St. Angelo will make the adjustments to be sent to the Fire Chief for comments. The agreement will then be sent to the Committee for approval.

Animal Control

Ms. Koehler stated that last week the Animal Control Subcommittee sent their recommendations, for the Animal Control Officer, to the Township Committee. The matter will be discussed in Executive Session and the Committee will then inform the public as to what the next steps will be.

NEW BUSINESS

No New Business

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 April 19, 2017 bill list, in amount of \$ 3,475,287.15.

CORRESPONDENCE

- a. Tax Collector's Report of Uncollectible Taxes
- b. Tax Collector's Report for the Month of March 2017
- c. Quest Environmental – Response Action Outcome

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 7:57 p.m.

Mr. Eric Petrik stated that he is present on behalf of the Friends of Memorial Park. Mr. Petrik stated that Kim Jacobus had provided the Friends with a Memorandum of Agreement, a few months ago, and after reviewing it, the Friends now need clarity on their role. Originally, the Friends started out as a nonprofit group, that raised money for the Park, due to the Township not wanting to put taxpayer's funds toward it. Mr. Petrik stated that the language in the MOA is tying the hands of the Friends, in them being able to do all that they have in the past. Mr. Petrik stated that in the past the Friends did not obtain contracts for work that was provided by volunteers. Mayor Laul explained that the Committee needs to approve the events, and the volunteers that will be working in the Park, in order for the volunteers to be covered by the Township's insurance. Mr. Petrik was informed that contracts and insurance are only necessary when a contractor is hired for a project and will be paid for their services.

Ms. JoAnn Letters asked how much advance notice the Committee needs to approve an event. Mayor Laul stated that it would be best to have the request listed on the meeting agenda. The request would need to be to the Clerk by the Friday prior to a meeting. Mr. McKee stated that if there is range of projects planned, the Friends can provide the Committee with a list ahead of time and the work can then be done at any time.

Ms. JoAnn Letters informed the Committee that the Friends will be holding a Flea Market on May 20, 2017. The Friends will be renting spaces in the parking area in the Park. Ms. Letters stated that those interested can email fmpfleamarket@gmail.com to obtain a registration form.

Mr. Victor Hoffman stated that the Committee discussed having a noise limitation for the Verizon nodes and questioned if the Committee is able to do so without a noise ordinance. Mr. Hoffman stated that last year there was a problem with the noise from dirt bikes on Berry Drive and nothing could be done because the Township does not have a noise ordinance. Mr. Hoffman stated that it could possibly cause a problem for the Township if the Committee tries to limit the noise. Attorney St. Angelo stated that it will only be noted in the Verizon resolution that noise could be considered in the future.

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 8:24 p.m.

Resolution No. 45-2017 –Executive Session

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2017 and convened in executive session at 8:28 p.m.

Action may or may not be taken when the Public Meeting is reconvened.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 45-2017
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: **Animal Control Officer**

_____ 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.);

_____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.

The Township Committee reconvened the meeting at 9:21 p.m. No action was taken.

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 9:22 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 3, 2017

Marc Laul, Mayor