

**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 the Boy Scouts to lead everyone in 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 at 7:25 p.m.                    Mike Schmidt

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 15 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of April 6, 2016**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of April 6, 2016.*

**Minutes of the Executive Session of April 6, 2016**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of April 6, 2016.*

**PUBLIC COMMENTS – limited to 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.*

There were no comments from the public.

*Motion by Mr. Milkowski, 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- PEDDLING AND SOLICITING**

#### **Public Hearing**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2016-04 was opened.*

There were no comments from the public.

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, closed the public hearing for Ordinance No. 2016-04 was closed.*

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2016-04 as written below. AYES: Schmidt, Laul, McKee NAYS: Milkowski ABSENT: Wunder*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE 2016-04  
AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF  
THE TOWNSHIP OF LEBANON REGARDING PEDDLING AND SOLICITING**

WHEREAS, Chapter 274 of the Code of the Township of Lebanon regulates peddling and soliciting; and

WHEREAS, N.J.S.A. 39:4-60 prohibits solicitation of charitable contributions from motorists on roadways in the State of New Jersey unless authorized by ordinance of the municipality in which said roadways are situate; and

WHEREAS, the Township desires to permit charitable organizations to solicit contributions within the Township subject to certain restrictions and conditions, pursuant to a roadway charitable solicitation permit issued by the Township; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon that Chapter 274 of the Code of the Township of Lebanon is hereby amended as follows:

SECTION 1. Chapter 274 of the Code of the Township of Lebanon is amended by adding the following:

**ARTICLE II. CHARITABLE SOLICITATIONS IN ROADWAYS**  
**§120-17. Solicitations in Roadways Permitted.**

The Township of Lebanon shall permit charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in roadways, commonly referred to as “coin drops,” situated in the Township of Lebanon in accordance with the provisions contained herein.

§120-18. Permit Required; Application Requirements.

All charitable organizations, as defined in N.J.S.A. 45:17A-20, which desire to solicit such contributions in roadways located in the Township shall file an application for a permit with the Township Clerk on a form supplied by the Township Clerk, specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization
- C. Telephone number of applicant organization
- D. Contact person for applicant organization
- E. Specific location(s) of proposed charitable solicitation
- F. Date(s) and time of operation of proposed charitable solicitation, any potential rain or inclement weather substitution dates must also be listed on all applications to the municipal, county, and state government organizations.
- G. If the request involves a county roadway, the request shall include a copy of the proposed authorization from the Hunterdon County Board of Chosen Freeholders to permit the charitable solicitation.
- H. If the request involves a state roadway and/or highway, the request shall include a copy of the authorization from the Commissioner of Transportation of the State of New Jersey to permit such charitable solicitation or a copy of the appropriate application thereto.
- I. In accordance with the recommendations of the Township Police Department, all proposed safety regulations, safety devices and training for individuals who shall participate in the charitable solicitation and/or a report as to the procedures to be used to ensure the safety of the members of the public who will be traversing the roadways within the Township.
- J. A certificate of insurance issued by an insurance company duly licensed in the State of New Jersey. The certificate of insurance must provide general liability insurance in an amount of not less than \$1,000,000. The Township shall be listed as an additional insured on the certificate and an endorsement to the insurance policy. This subsection shall not apply if the soliciting group is covered by the Township's insurance policy.
- K. A signed, dated and notarized release and indemnification agreement, signed by the organization sponsor or responsible party, legally binding the organization participant, which shall release and agree to indemnify and hold harmless the Township of Lebanon, County of Hunterdon, State of New Jersey, its agents, servants, employees and elected and appointed officials from any and all liability of any kind from injury or physical harm, including death, and damage to property occurring from or alleged to arise out of the event.

This application must be submitted a minimum of 30 days prior to the planned event date for the fundraiser.

§120-19. Limit on Number and Duration of Coin Drops; Hours of Operation

- A. No permits will be granted by the Township for more than one event, three consecutive days maximum, per calendar month, per location for any organization.
- B. No approved coin drop solicitation shall be permitted for longer than three consecutive days.
- C. No permits shall be granted by the Township for more than a maximum of two coin drop solicitations per calendar month at a specific location. The coin drops events shall not be scheduled on back to back calendar weeks. Permits may be granted on a first come, first serve

basis.

D. All approved coin drop solicitations shall be conducted only during daylight hours and shall commence no earlier than 9:00 a.m. and be concluded no later than 6:00 p.m.

§120-20. Conditions of Approval.

The following conditions shall be placed on all approvals for coin drops:

A. Solicitation shall only be permitted at controlled intersections (i.e. those with a stop sign or traffic signal) during daylight hours.

B. Solicitation may not substantially impede the flow of vehicular or pedestrian traffic. However, traffic must be stopped for a sufficient period of time to ensure the safety of persons soliciting in the roadway. Flagmen are not permitted to be utilized to control or regulate traffic movement.

C. Signs and traffic control devices must be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. Signs advertising the solicitation may be placed approximately 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

D. Persons soliciting in the roadway, or within 15 feet of the roadway, must wear properly sized, ANSI 107-2004 (or later) Class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.

E. Individuals under the age of 18 years may be present but must be at a safe distance and location from the street. Decisions of the Township Police Department will be final in determining such safe location.

F. Solicitors may not harass the motorists or public.

H. Solicitors shall not consume or be under the influence of alcohol or drugs.

I. The charitable organization will be responsible for cleaning any debris, including any signage or advertisements associated with the roadway solicitation, from the solicitation site within two hours of the end of solicitation.

J. In the event of severe weather, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the Township Police Department and receiving permission to resume such activities from the Township Police Department.

K. In the event of a motor vehicle accident or injury to a person in the vicinity of the roadway solicitation, the charitable organization agrees to immediately cease its roadway solicitation activities and shall not resume such activities without first notifying the Township Police Department and receiving permission to resume such activities from the Township Police Department.

§120-21. Prohibition of solicitation by minors.

No applicant or organization seeking permission for a coin drop will use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

§120-22. Approval or denial of application.

Upon filing of a complete application and completion of the required review by the Township Police Department, the applicant shall present the application to the Township Committee a minimum of (30) days prior to the proposed coin drop for its review and consideration, after which the Township Committee shall grant or deny the applicant's request by resolution.

In the event the applicant's request is approved, the Township resolution shall be forwarded by the applicant to the state and/or county, if necessary. In the event that the coin drop is approved for a roadway which does not intersect or fall within the jurisdiction of the county or state, the resolution shall serve as the final approval for the coin drop.

The applicant shall follow and abide by all conditions imposed in the resolution adopted by the Township Committee.

§120-23. Compliance with state statute.

Any charitable organization requesting authorization from the Township for a charitable solicitation shall comply with all the terms and conditions of N.J.S.A. 39:4-60, as same may be amended and supplemented and all other applicable state statutes.

§120-24. Compliance, revocation of approval or order to cease operations

Any charitable organization that is granted municipal, county, or state approval for a coin drop, understands that at any point prior to the event, during the event, or for future events; the New Jersey Department of Transportation, Hunterdon County official, Lebanon Township Police Chief or designees, or any law enforcement officer can order the charitable organization to cease operations based upon, but not limited to: roadway issues, public safety concerns, weather conditions, or traffic conditions. This cease order does not transfer any liability or exposure to expenses to the official who is delaying or revoking the coin drop event.

§120-25. Penalties.

Any person or group engaged in solicitation activities found guilty of violating a provision of this section shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by Township police under N.J.S.A. 39:4-60 et seq.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

## **OLD BUSINESS**

**Mr. Wunder joined the meeting at 7:25 p.m.**

### **Lawrence Adrian Donation – Block 69 Lot 6**

Mayor Laul stated that the Mr. Adrian sent a letter to the Township Committee stating that he would like donate Block 69 Lot 6 to the Township as he does not want to pay taxes on it anymore. Mayor Laul stated that there is a Deed for the property which can be transferred to the Township. Mr. Milkowski stated that in Mr. Adrian's letter he mentioned donating the property to the Fire Department. Mr. Milkowski said that he spoke to the Fire Department and they do not want to get involved with the property at this time. Mr. Milkowski stated that a portion of the property adjoins State Park land and suggested that possibly the Township can sell the land to the State to increase their park area. Mr. Milkowski suggested that the Committee authorize Attorney Cushing to draft a Conveyance of Title and to proceed forward with the acquisition. Attorney Cushing stated that the Township needs to be sure that there are no environmental issues with the land prior to taking it over. Mr. Milkowski stated that he does not believe that there are any environmental issues as there was never any development on the land. Mr. Schmidt stated that it was a railroad bed and questioned if it was used. Mr. McKee and Mr. Milkowski stated that it hasn't been used in years, probably more than 50 years ago. Mr. Schmidt asked if it would be practical to have the property evaluated. The Committee decided to just have the Township Attorney proceed with the transfer of title.

*Motion by Mr. Milkowski, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee authorized the Township Attorney to arrange for a Conveyance of Title for Block 69 Lot 6 to the Township.*

## **NEW BUSINESS**

### **Open Space Taxes - Maintenance of Properties**

Mr. Milkowski stated that there is an ordinance in place establishing that the Open Space Taxes can be used for maintenance of the preserved properties in Township. Attorney Cushing said that maintenance would include personnel, gas, oil, new mower blades, etc. Capital items would not be considered maintenance. Attorney Cushing noted that the ordinance also permits payment of debt service so if a piece of equipment was used primarily for the maintenance of the parks/lands and there was debt service for the equipment it could be paid for through the Open Space Tax. Attorney Cushing noted that the Township Auditor should advise on the matter. Mr. McKee asked if there can be a line item in the annual budget specifying the amount of money that will be used for the maintenance of lands. Attorney Cushing stated that the amount of money to be used annually needs to be determined by the CFO or the Auditor. Mayor Laul will speak to the DPW Manager and the CFO.

### **Library Committee Request for Appointment – Assistant Library Clerk Position**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee appointed Patricia M. Wentz to the position of Assistant Library Clerk. Ms. Wentz will work as an auxiliary employee.*

### **Township Historians – Gail Angell Resignation**

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee accepted Gail Angell's resignation from the Township Historians with regret.*

### **DPW Boots**

Mr. Wunder stated that the DPW employees are looking to purchase work boots. Mr. McKee stated that the employees can purchase one pair of safety work boots as per the CWA Contract. The employees are to bring in the receipt for the boots and will be reimbursed; up to \$200.00.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the April 20, 2016 bill list in amount of \$ 3,342,988.50.*

### **CORRESPONDENCE**

Tax Collector's Report for the Month of March 2016  
Tax Collector's Report for Uncollectible Taxes for 2015  
Township Historian's March 3, 2016 Meeting Minutes

Mr. Cushing provided an update on the status of Affordable Housing which was discussed at the Planning Board meeting.

### **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 7:40 p.m.*

Ms. Laurie Hoffman stated that she has seen signs on Route 22 advertising for the landscapers who did work in the dividers. Ms. Hoffman suggested that it might be a good idea to see if the Township can work with someone who can give advice on the best plants for the Township properties in exchange for placing their sign on the Township's property.

*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 at 7:43 p.m.*

**Resolution No. 36-2016 –Executive Session**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2016 and convened in executive session at 7:43 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 36-2016**

**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.)

\_\_\_\_\_ 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:  X  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 Public Meeting at 8:18 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 8:18 p.m.

Respectfully submitted,

\_\_\_\_\_  
Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 4, 2016

\_\_\_\_\_  
Marc Laul, Mayor