

**Lebanon Township Committee  
May 1, 2019**

**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 men and woman in service.

**ROLL CALL**

Present	Marc Laul	Thomas McKee	Brian Wunder
	Mike Schmidt	Beverly Koehler	

Absent- None

Also Present - Attorney Matt Lyons, Deputy Clerk Kimberly Jacobus and 11 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Session Meetings of April 17, 2019**

*Motion by Mr. Wunder, 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 April 17, 2019.*

**PUBLIC COMMENTS – for agenda items only**

*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 was no comment from the public.

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

**2019 BUDGET**

Resolution No. 46-2019 – 2019 Budget Self-Exam

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 46-2019 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
A RESOLUTION NO. 46-2019**

**WHEREAS**, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

**WHEREAS**, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

**WHEREAS**, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2019 budget year, so now therefore,

**BE IT RESOLVED**, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

The Mayor stated that the tax rate increase for 2019 is 1.87%, it takes the rate from .3473 to .3538 per \$100 of assessed value. The average assessed value for the township is \$301,772, the tax rate increase proposed would be an increase of \$19.62 per average home. The increase would equal \$6.40 per \$100,000 of assessed value. This is the lowest increase tax rate that the Township has been able to propose in at least a

decade. Total appropriation in the budget that is being proposed is \$6,761,000 that is up 5.04%. There is no new debt in the budget, no use of deferred school tax. He noted that this our peak year of debt service and about 40% of the budget is still being funded by the energy receipt tax paid back to us from Trenton, it is flat from last year, but is at risk going forward.

### **Public Hearing**

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

Carol Clark-Backhus Estate Road, wanted to know when the township would be losing the money from the generating station. The Mayor stated that this year the Township did receive a flat 40% of the gross tax receipts. The state has taken over the collection of taxes.

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

### **2019 Budget Adoption**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the adoption of the 2019 Budget as introduced on April 3, 2019.*

## **ORDINANCES**

### **Resolution No. 47-2019 – Passing Ordinance No. 2019-02**

#### **Introduction**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 47-2019 to introduce Ordinance 2019-02 with public hearing to be May 15, 2019.*

**STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON  
ORDINANCE NO. 2019-02**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$490,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP .**

#### **Introduction**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2019-03 with public hearing to be May 15, 2019.*

**TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON  
ORDINANCE NO. 2019-03  
AN ORDINANCE AUTHORIZING THE SALARY OF AND COMPENSATORY OVERTIME  
FOR THE CHIEF OF POLICE**

**Introduction**

The Committee tabled Ordinance 2019-04 to discuss in Executive Session, potential action may be taken.

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 2019-04  
AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF THE TOWNSHIP OF  
LEBANON REGARDING PEDDLING AND SOLICITING**

**RESOLUTIONS**

**Resolution No. 48-2019**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 48-2019, Redemption of Tax Sale Certificate.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 48-2019  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201805 on September 21<sup>st</sup> 2018 to Light Properties LLC and,

WHEREAS the amount of \$8,704.01 has been collected from Cortes & Hay, for the owner of this property, Martha DeHart Estate c/o William DeHart, known as Block 69 Lot 45, 178 Musconetcong River Road, Lebanon Township for the redemption of Tax Sale Certificate #201805,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$8,704.01 and,

BE IT FURTHER RESOLVED that an additional check in the amount of \$7,500.00 for the premium paid and that these checks be mailed to:

Light Properties LLC  
17 W Cliff St  
Somerville NJ 08876

**Resolution No. 49-2019**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 49-2019.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 49-2019  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201701 on October 13<sup>th</sup> 2017 to Lebanon Township and,

WHEREAS the amount of \$13,493.50 has been collected from Comerica Bank, for the owners of this property, Konstantinos Tzanedakis and J Rhodes, known as Block 24 Lot 38.02, 319 Route 513, Lebanon Township for the redemption of Tax Sale Certificate #201701,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$13,493.50 to Lebanon Township.

**Resolution No. 50-2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 50-2019 Redemption of Tax Sale Certificate.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 50-2019  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201202 on October 12<sup>th</sup> 2012 to Lebanon Township and,

WHEREAS the amount of \$300.09 has been collected from Fortune Title Agency, for the owner of this property, Mark M Costello Estate, known as Block 11 Lot 44, High Bridge-Califon Road, Lebanon Township for the redemption of Tax Sale Certificate #201202,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$300.09 to Lebanon Township.

**OLD BUSINESS**

**Township Volunteer Dinner**

Deputy Mayor Laul stated the cost for the Volunteer event is \$32 per person (approximately 90 people)

**Township Revaluation Update**

Mayor Schmidt stated the revaluation is under way. The inspectors are going door to door.

**Update on Stop the Soot Grant**

The Mayor stated that the purpose of the “Stop the Soot” grant that the Township applied for was to purchase a new backhoe. The application was sent to the NJ DEP. The DEP responded that the backhoe purchase would qualify for a 30% grant, approximately \$33,000. The maintainer and paver that the Township was going to use, as a trade-in, didn’t qualify as they were too old.

## **NEW BUSINESS**

### **Board of Adjustment Request to Appointment Alternate II Member, Term expiring 12/31/2019**

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of Thomas Sachs to the Board of Adjustment, as Alternate II Member, Term expiring 12/31/2019.*

### **Social Affair Permit Application – St. John Neumann Church – Event Date: June 1, 2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for St. John Neumann Church for an event to be held on June 1, 2019.*

### **Stand-Down Agreement – Aptive Environmental**

Held to Executive Session - Stand-Down Agreement – Aptive Environmental – potential action may be taken.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the May 1, 2019 bill list in the amount of \$109,985.99.*

## **CORRESPONDENCE**

- a. Tax Collector’s Report of Uncollectable Taxes
- b. LTEOSC March 4, 2019 Meeting Minutes
- c. Curator’s Reports

## **PUBLIC COMMENTS**

*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.*

Ron Milkowski – Rocky Run Road, stated that there was an issue with his revaluation appointment time, for his home inspection, but they were able to get the inspection done.

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

**EXECUTIVE SESSION - Resolution No. 51-2019**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 51-2019 and convened in executive session at 7:40 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 51-2019**

**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: \_\_\_\_\_);

\_\_\_\_\_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;





**Stand-Down Agreement – Aptive Environmental**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Attorney to execute the Stand Down Agreement between Lebanon Township and Aptive Environmental LLC suspending the 8 p.m. curfew of the Township code until a new ordinance can be considered.*

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. McKee seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Clerk

Approved: May 15, 2019

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Mike Schmidt, Mayor