

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-

Also Present - Attorney Matt Lyons, Deputy Clerk Kimberly Jacobus and 12 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of April 4, 2018 - TABLED
Minutes of the Executive Session of April 4, 2018 – TABLED

Minutes of the Special Meeting and Executive Session of April 18, 2018
Minutes of the Regular Meeting of April 18, 2018
Minutes of the Executive Session of April 18, 2018

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special Meeting and Executive Session of April 18, 2018, Minutes of the Regular Meeting of April 18, 2018 and the Minutes of the Executive Session of April 18, 2018.

PUBLIC COMMENTS – for agenda items only

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

Leslie Hann, Lanning Lane-Ms. Hann stated that her hope would be that the Township would publish in the newsletter, the resolution that was passed in January regarding non-discrimination and include a brief

article explaining why the Township did it. She thinks it is important and if it was unrepresented to be distributed it to all employees and volunteers, she feels that it is equally important for it to be communicated to the residents of the Township. It is something to be proud of and promote.

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

BOARD OF HEALTH MEMBER

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee appointed Dr. Nicholas Avallone to the Lebanon Township Board of Health, for a 3-year term with the term ending December 31, 2020.

Mayor Schmidt administered the Oath of Office to Dr. Avallone.

Dr. Avallone thanked the Committee for allowing him to volunteer his time and talents to the Township. Dr. Avallone stated, by educating the residents about their health, about ways they can hopefully help prevent disease, prevent injury and then if there are some challenges in our community, hopefully they can be overcome from a medical standpoint. He looks forward to helping the community and to give counsel when asked of it and he really appreciates the opportunity to serve.

RESOLUTIONS

Resolution No. 40-2018 – Equal Employment Opportunity

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2018.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 40-2018**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Resolution No. 41-2018 – 2018 Budget Self-Exam

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2018.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 41-2018**

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 2018 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.

2018 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 comment portion of the meeting.

There were no comments.

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.

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 2018 Budget as introduced on April 4, 2018.

OLD BUSINESS

Newsletter Policy

Mayor Schmidt stated that there is no precedent about publishing a resolution in the Township Newsletter. The newsletter has been focused on community events and community education. To publish a resolution and this kind of Committee activity, it would require a policy change.

Mayor Schmidt stated that if anyone would like to make a motion to change the policy, the Committee would then discuss the policy changes further and see if there is a second to vote on the changes in the policy.

Mayor Schmidt asked for a motion to change the policy. No motion was made.

Municipal Telephones

Mr. Laul stated that at the last meeting, the Committee discussed 3 telephone proposals, 2 were hosted systems and 1 was a premise system. The Committee has asked for Representatives of the 2 hosted systems to come in and explain their systems.

Mr. Scott Koenig, TKG Technology, spoke to the Committee about the new telephone service that he had proposed for the Township. He found a company that is based in New Jersey and they do not charge per

extension, they only charge \$150 a month, plus taxes and fees. He explained that it is a hosted system and that he would like to consolidate all the phones to include the Police, DPW, Library and the Museum into a group of call paths. The savings from the Cooperative bill would be somewhere around \$300 to \$400 a month. If the Township takes the 24-month lease of the equipment, it is \$300 to \$400 a month, therefore no change to the budget. There would be no increase to the Township to make the change. By paying for the new phones through a leasing agreement, after the 24 to 36 month term, the Township would see another decrease in the bill by a few \$100. This company is a month-to-month company, no contract. The phones would be the Townships. They are a universal system that works on the Ethernet. If there were a catastrophe, the phones would continue to work through the data center in Parsippany.

Hagedorn

Mayor Schmidt stated that the Township has been hearing of activity at the old Hagedorn facility, potentially a substance abuse facility may be opening up. There has been news out of Trenton that they may want to re-open it again as a state hospital. Municipal Clerk Sandorse, Committeeman Wunder and Mayor Schmidt are meeting with Senator Doherty on Wednesday afternoon to get his help in Trenton to make sure that the Township Committee and residents are aware of what might be going on at Hagedorn.

Lebanon Township Municipality Facebook page

Mr. Laul stated that he had received information from the County regarding their Recreation program. Mr. Laul asked if there could be a standard policy to post items from the County to the Township's Facebook page.

Motion Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved posting the Hunterdon County Recreation agenda to the Lebanon Township Facebook page.

NEW BUSINESS

SADC Correspondence-Farmland Preservation Application Block 30 Lot 20

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee supports the State preserving Block 30 Lot 20, SADC ID#10-0225 AYES: Wunder, Koehler, Laul Schmidt NAYES: 0 ABSTAIN: McKee

Free Computer/Electronic and Scrap Metal Recycling Event

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved using Advanced Recovery for the October 13, 2018 Free Computer/Electronic and Scrap Metal Recycling Event, 9 am to Noon at the Municipal Building.

Request from Fire Department-Parking at Fire Station #1

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a member of the Fire Department parking a camping trailer at Fire Station #1 subject to a hold-harmless agreement, for a 2-week period.

School Strategy Sessions

Lebanon Township School Strategy Session-Ms. Koehler, Liaison to the schools, will be attending the meeting on May 15 & 22 and June 5.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the bill list in the amount of \$16,189.72.

CORRESPONDENCE

There was no correspondence.

PUBLIC COMMENTS

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.

Joyce Leftly, Red Mill Road, asked how the employees and volunteers were going to receive Resolution 19-2018. Mayor Schmidt stated that every resolution is posted on the website, they are in the minutes. The recording of the meetings are posted to the website.

Leslie Hann, Lanning Lane, stated that since the Facebook page doesn't have any policy or cost any money, to use that venue to promote the kind of resolution that is being handed out to every Township employee and volunteer.

Jessica Shea, Voorhees Road, stated that she supports the promotion of Resolution 19-2018, it is important for the public to know. She stated there has to be a way that would not interfere with policy that would not cost anything, to let the public know about interesting behavior related resolutions. She thinks that it would be wonderful for the public to know, not just the employees and volunteers.

Adam Duckworth, Musconetcong River Road, stated that the proposed Farmland Preservation Application for Block 30, Lot 20, is a preservation priority, as part of the Township's Open Space and Recreation Plan and it is part of the Master Plan. There is one item that he would like to request to be placed in the response to the State, from a trail connectivity perspective, which is also part of the Master Plan and OSRP. There is an opportunity to connect several preserved parcels of land with a little 20' easement about 100 yards long. Mr. Duckworth stated, that once it goes into Farmland Preservation, it would be very difficult to get the easement.

Mayor Schmidt stated that this is a public letter and the people are applying for the preservation. As the Mayor has learned, the Township has to get the trail easement in before it goes into SADC preservation. Once it's preserved for farmland, a trail is not an accepted use for farmland. This is the time to talk to the

owner, to have the owner agree as part of their SADC procedure to carve out an allowed use of a trail. This would have to be done at the time of the preservation, it would have to be on the survey and it would be an exclusion acceptance on their encumbrance.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee authorized Mr. Laul and Mr. Duckworth to coordinate discussions with the owner regarding the easement. AYES: Wunder, Koehler, Laul, Schmidt NAYES: 0 ABSTAIN: McKee

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

Action will most likely not be taken when the meeting reconvenes.

Resolution No. 42-2018

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 42-2018 and convened in executive session at 7:59 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 42-2018**

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

X 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.);

_____ 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 public meeting at 9:53 p.m. No action was taken.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:54 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: May 16, 2018

Mike Schmidt, Mayor