

**Lebanon Township Committee  
May 3, 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 Dick Cushing, Clerk Karen Sandorse and 4 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of April 5, 2017 – Tabled**

**Minutes of the Executive Session of April 5, 2017 – Tabled**

**Minutes of the Special and Executive Meetings of April 18, 2017**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special Meeting and Executive Session of April 18, 2017.*

**Minutes of the Regular Meeting of April 19, 2017**

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of April 19, 2017.*

**Minutes of the Executive Session of April 19, 2017**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of April 19, 2017.*

**Minutes of the Special and Executive Meetings of April 20, 2017**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special Meeting and Executive Session of April 20, 2017.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Mr. Wunder, seconded by Ms. Koehler 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.*

**RESOLUTIONS**

**Resolution No. 47-2017 – Redemption of Tax Sale Certificate #201601**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 47-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 47-2017  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201601 on October 14<sup>th</sup> 2016 to Lebanon Township and,

WHEREAS the amount of \$2,574.30 has been collected from Crown Castle, for the owner of this property, known as Block 9 Lot 8 T03, Lebanon Township for the redemption of Tax Sale Certificate #201601.

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 \$2,574.30 for the redemption of this lien to Lebanon Township.

**Resolution No. 48-2017 – Redemption of Tax Sale Certificate #201602**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 48-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 48-2017  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201602 on October 14<sup>th</sup> 2016 to Lebanon Township and,

WHEREAS the amount of \$2,574.30 has been collected from Crown Castle, for the owner of this property, known as Block 9 Lot 8 T04, Lebanon Township for the redemption of Tax Sale Certificate #201602.

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 \$2,574.30 for the redemption of this lien to Lebanon Township.

**Resolution No. 49-2017 - Award Bid for 2017 Road Materials**

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 49-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 49-2017  
RESOLUTION AWARDING A CONTRACT FOR  
2017 ROAD MATERIALS

WHEREAS, bids were received on April 27, 2017 for 2017 Road Materials, and  
WHEREAS, the Township Committee has reviewed the recommendations made by the Township Public Works Manager on said bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contracts be awarded based on the recommendation of the Township Manager of Public Works.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Warren Materials	Top Mix (I-5)	\$ 53.75 per ton
Warren Materials	Base Mix (I-4)	\$ 48.75 per ton

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the contracts for same.

**Resolution No. 50-2017 – Hunterdon County Open Space Trust Fund Grant Application**

Mr. Wunder asked if there is a goal for land acquisitions in the Township and questioned at what time the need for preserving land will come to an end. Mayor Laul stated that there is a preservation plan.

*Motion by Mr. McKee, seconded by Mayor Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 50-2017 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 50-2017  
HUNTERDON COUNTY OPEN SPACE TRUST FUND  
MUNICIPAL GRANT APPLICATION**

WHEREAS: The Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide County Funds in connection with preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; and preservation of historic structures, properties, facilities, sites, areas, or objects; or for the payment of debt service or indebtedness issued or incurred by the municipality for any of the purposes described above; and

WHEREAS, the Township of Lebanon desires to further the public interest by obtaining funding in the amount of \$750,000 from the County of Hunterdon to fund the following project: Teetertown to Point Mountain Link, comprising 244 +/- acres along Sharrer, Mt. Lebanon and Turkey Top Roads in Lebanon Township, creating a greenway of approximately 2,600 preserved acres in the northern part of Lebanon Township for passive recreation, environmental conservation and open space preservation, at a cost of up to \$2,000,000 excluding transaction costs; and

WHEREAS, the Hunterdon County Open Space, Farmland, and Historic Preservation Trust Fund Plan established a Nonprofit Grants Program to provide Open Space Trust Funds to qualifying charitable conservancies for the acquisition of lands for public recreation, conservation and general open space purposes in Hunterdon County; and

WHEREAS, New Jersey Conservation Foundation is a qualifying charitable conservancy and will apply for such a Nonprofit Grant of \$250,000 to partner with Lebanon Township for the project: Teetertown to Point Mountain Link.

NOW, THEREFORE, the governing body resolves that Deputy Mayor Mike Schmidt is hereby authorized to:

- (a) make application for such County Open Space Trust Funds,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named Municipality; and

WHEREAS, the County of Hunterdon shall determine if the application is complete and in conformance with the scope and intent of the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan, applicable Freeholder Board Policies and the Procedures Manual for

the Municipal Grant Program adopted thereto, and notify the Municipality of the amount of the funding award; and

WHEREAS, the Municipality is willing to use the County funds in accordance with such adopted Policies and Procedures, and applicable state and local government rules, regulations and statutes;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon,

1. That Deputy Mayor Mike Schmidt of the above named Municipality is hereby authorized to execute any documents and agreements with the County of Hunterdon known as Teetertown to Point Mountain Link;
2. That the Municipality has its share of funds, if required, in the amount of \$80,228 in its County Open Space Trust reserve, net of funds allocated for the Red Mill Road project, as well as \$999,190 in the Lebanon Township Open Space Trust;
3. That, in the event the County of Hunterdon's funds are less than the total project cost specified above, the applicant will endeavor to obtain the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

**Resolution No. 51-2017 - Professional Service Appointment**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 51-2017 as written below. AYES: Koehler, Laul, Schmidt, McKee NAYS: Wunder*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 51-2017  
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 3rd day of May 2017 the following contract is awarded.

Chris L. Mikolajczyk, CLM of Princeton Hydro for Professional Environmental Consulting Services for 2017.

## **OLD BUSINESS**

### **Fire Department Station 3 Lease Agreement - Tabled**

### **Fire Department Hall Rental Agreement - Tabled**

### **Animal Control**

Ms. Koehler stated that the subcommittee has provided the Committee with their recommendation for the appointment of an Animal Control Officer. Ms. Koehler requested that the ACO contract be sent to the Township Attorney for legal review.

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved sending the Animal Control contract to the attorney for review.*

### **Cellco Partnership d/b/a/ Verizon Wireless – Petition for Township Consent**

Mayor Laul stated that the Committee received a revised draft resolution from Attorney St. Angelo today. The Committee discussed their desire for the Township Engineer to review the plan and questioned if the posted escrow funds should cover the cost. Mr. Schmidt stated that Cellco's attorney, Mr. Meese, had said that the Verizon project is not subject to engineering review by the Township. Mr. Schmidt stated that Mr. Meese's letter differs from what was stated at the Planning Board meeting. At the meeting it was noted that the municipal engineer will have the opportunity to review the plan. Attorney Cushing stated that the resolution states that the escrow funds will be used for professional review fees which is standard terminology that is used to cover all professional services. Ms. Koehler stated that she believes that Mr. Meese was saying that the Township cannot have a say in the engineering as it is guided by the FCC. Attorney Cushing stated that there may be confusion on what the Committee would like the Township Engineer to review as opposed to what Verizon believes to be the suitable area of review. Ms. Koehler stated that she wants to be sure that they boxes are located in a suitable location and that noise does not end up being an issue in the future. Attorney Cushing will add to the resolution that the escrow will cover professional fees incurred in connection with the review of the petition, permitting and the location of equipment, from a public safety standpoint. Attorney Cushing will also add that the Committee reserves the right to review alterations to equipment in connection with physical size, noise, aesthetics, location and any other nuisance impacts from previously installed equipment.

The Committee discussed a possible prerequisite for the residents to be notified about the placement of the cabinets. It was decided that Verizon should notify the property owners of the plan and if the Construction Department cannot resolve any issues that arise, it should go to the Zoning Officer. If the resident is not satisfied with the outcome, the matter should then be sent to the Board of Adjustment to resolve the dispute. The property owner should be given 30 days to contact the Zoning Officer to state their concerns. Residents who reside 50 ft., on either side of the pole, are to be notified.

The Committee discussed colocation. Attorney Cushing will add to the resolution that if Verizon mounts its facility to a third party's pole it shall cooperate and advocate for such colocation.

Attorney Cushing will make amendments and forward to the Cellco attorneys for their review and comments.

### **Veteran's Haven**

Mr. Wunder stated that he reached out to the Superintendent at Veteran's Haven but has not received a reply back.

### **Food Pantry**

Mr. Wunder said that he called Ruth, from the Food Pantry, and informed her that he was able to acquire shopping carts that will be donated to the Food Pantry.

## **NEW BUSINESS**

### **Appointment of Police Officer**

Mayor Laul stated that the Committee interviewed four more officers in an attempt to fulfill the nine officer department. Theresa DaSilva was selected for the position. Chief Gale stated that he spoke with Theresa and she is looking forward to working for the Township. Theresa will be sworn in at the May 17, 2017 meeting.

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Theresa DaSilva to the Class VIII Police Officer position.*

### **Letter of Support – 2017 Water Quality Restoration Grant for Nonpoint Source Pollution**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to execute a letter to be sent to the NJDEP, Division of Water Monitoring and Standards stating the Committee's support of the Township's application for the 2017 Water Quality Restoration Grants for Nonpoint Source Pollution.*

### **Tour de Cure – Sunday, June 4, 2017**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee acknowledged that the American Diabetes Association, TourdeCure2017, will be traveling through Lebanon Township on the morning of June 4, 2017. The cyclists will be traveling on a small portion of Old Turnpike Road.*

## **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 May 3, 2017 bill list, in amount of \$109,732.04.*

## **CORRESPONDENCE**

- a. LTEOSC - January 16, 2017 and February 20, 2017 Meeting Minutes

Mayor Laul informed the Committee that, at the LTEOS meetings, discussion has been had numerous times, on the Emerald Ash Borer Beetle. Mayor Laul stated that the Ash Borer is in the Township and he can see that the Ash trees are not maturing and leafing like they should be. Mayor Laul said that there are Ash trees in the Memorial Park and he would like to look into potential safety issues as the trees will be dying in the next few years. Mayor Laul questioned if the Township should hire a forester to evaluate the trees and then to hire someone to cut the trees down before they become a hazard. Mayor Laul stated that he is bringing up the subject for informational purposes and that it is something for the Committee to think about. Mayor Laul noted that, possibly, the EOSC can help in the process .

## **PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:18 p.m.*

Mr. Ron Milkowski said that the Mayor made a good point on the concerns with the Ash trees. Mr. Milkowski suggested that if the trees are put on the ground the Township can offer a free permit for those who want to take the wood. Mayor Laul said that the Township can offer the timber to those in the municipality for firewood.

*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 at 8:19 p.m.*

## **EXECUTIVE SESSION**

### **Resolution No. 52-2017 –Executive Session**

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 52-2017 and convened in executive session at 8:25 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. 52-2017  
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:

\_\_\_\_\_ 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: **Fire Official Position Union**

Contract \_\_\_\_\_  the public disclosure of such information at this time would violate the employee(s)

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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 9:11 p.m. No action was taken.

### **Hunterdon County Fire Chief's Association Meeting**

Discussion was held on a meeting that the Hunterdon County Fire Chief's Association will be holding on May 31, 2017 at 7:30. The Committee will let the Clerk know who will be attending so a meeting notice can be published.

### **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. Schmidt, seconded by Mr. McKee, and carried by unanimous favorable roll call vote, to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 17, 2017

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Marc Laul, Mayor