

**CALL TO ORDER**

Mayor Mike 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 please stand for the Flag Salute and for a moment of silence in honor of the 144 Federal, State and Local Police Officers who lost their lives in 2018 and the 40 who lost their lives in 2019. The Officers and their families were honored, today, at a National Police Week Ceremony.

**ROLL CALL**

Present -	Mike Schmidt	Thomas McKee	Brian Wunder
	Marc Laul	Beverly Koehler	

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 5 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Session Meeting of May 1, 2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of May 1, 2019, as amended.*

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

*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.*

There were no comments from the Public.

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

## **ORDINANCES**

### **Ordinance No. 2019-02 – Capital Ordinance**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019- 02 was opened.*

There were no comments from the public.

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-02 was closed.*

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-02 as written below.*

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.

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

Section 1. The Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") is hereby authorized to undertake the following public improvements and acquisitions in, by and for the Township: (A) undertaking the Road Resurfacing Program at various locations; (B) undertaking the Chip Seal Program at various roads; (C) acquisition of a mason dump truck for the use of the Department of Public Works - Streets and Roads; (D) acquisition of SUVs for the use of the Police Department; and (E) acquisition of self-contained breathing apparatus equipment for the use of the Fire Department. Said improvements and acquisitions shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$490,000 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$490,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and

acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.  
law.

### **Ordinance No. 2019-03 – Salary and Compensatory Overtime for the Police Chief**

Ms. Koehler asked if the Chief uses time cards as he is self-reporting. Mayor Schmidt stated that he is to report his hours to the CFO each pay period.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019- 03 was opened.*

There were no comments from the public.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019- 03 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-03 as written below.*

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

WHEREAS, pursuant to the Lebanon Township Personnel Policies and Procedures, the Chief of Police is identified as an “exempt employee;” and

WHEREAS, the compensation of the Chief of Police is set forth in the Township’s Salary Ordinance each year; and

WHEREAS, “[e]xempt employees are not eligible for additional compensation or overtime for hours worked beyond their regular working hours;” and

WHEREAS, the current Chief of Police was hired in 1995; and

WHEREAS, the Township desires to amend the Code of the Township of Lebanon (the ‘Code’) to allow the current Chief of Police to receive compensatory time.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, that the Lebanon Township Personnel Policies and Procedures is hereby amended, in part, to allow the current Chief of Police to be eligible for compensatory time.

NOW, BE IT FURTHER ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, that:

1. The Police Chief, shall notify the CFO by email on the final day of each pay period the total amount of any compensatory time accrued and the nature of accrual along with the use of any compensatory time within the pay period. Failure to report the accrual or use of compensatory time as set forth above shall result in the forfeiture of any omitted accrual of compensatory time unless formally approved after the fact by the Township Committee.

BE IT FURTHER ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, that the position of Chief of Police shall be compensated as follows:

Chief of Police            \$128,825.77- for 2019

And all other terms as set forth in the Contract, copy attached hereto. The amounts set forth above shall be the minimum salary for each year, the maximum salary for each year shall be the above amounts plus the percentage raise set forth in the contract attached hereto as Exhibit "A."

BE IT FURTHER ORDAINED by said Township Committee that this Ordinance shall take effect immediately after final adoption and publication in accordance with the laws of the State of New Jersey.

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

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.

### **Ordinance No. 2019-04 – Peddling and Soliciting**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-04 was opened.*

Mr. Winfried Seipel, of Berry Drive, questioned what rights the public has to refuse solicitors from coming to their door. Attorney Lyons said that the law acknowledges that people have the right to have someone knock on their door but it also provides for the Governing Body to establish a volunteer list of residents who do not wish for anyone to come to their door. The Governing Body would have to take additional action to create the list and residents would the need to "opt in" to be added to the list.

Ms. Susan Seipel informed the Committee that she had a solicitor come onto her property, he did not provide credentials and was persistent in his solicitation. Ms. Seipel feels that the solicitors should be required to show credentials. Attorney Lyons stated that the requirement will be in place once this ordinance is adopted and published.

Mr. Charlie Fortenbacker said that his daughter had the same issue yesterday, no credentials, no business cards.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-04 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized that, all references to gender, be changed to gender neutral in Ordinance 2019-04.*

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the removal of the strikethrough in Paragraph 274-8, Item B., on page six.*

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-04 as written below.*

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

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

WHEREAS, the Mayor and Committee have determined that additional regulation is needed to prevent fraud, crime, and unethical and dishonest business practices; and

WHEREAS, the Mayor and Committee have determined that regulation will promote safety of Township residents.

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, Article I, Peddlers and Solicitors, of the Code of the Township of Lebanon is hereby amended and supplemented as follows:

ARTICLE I. PEDDLERS AND SOLICITORS

§274-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Merchandise

Includes all goods, wares, food, fruit, vegetables, farm products, magazines and periodicals, and all kinds of articles of personal property for domestic use and orders or contracts for services, home improvements or alterations.

Non-Profit Organization

- A. Any organization tax exempt under §501(c)(3) of the Internal Revenue Code;
- B. Any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes;
- C. Any organization, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of the Township, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups;
- D. Any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; or

- E. Any department within the Township's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves the Township.

Peddler

Any person who goes from place to place by traveling on the streets and roads or from house to house, carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. This definition shall not include integrated and commercial roadside stands.

Solicitor

Any person who goes from place to place by traveling on the streets and roads or from house to house, taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not they are collecting advance payments on such sales.

§274-2. Purpose.

The purpose of this chapter shall be to prevent fraud, crime and unethical and dishonest business practices. The fees charged for the issuance of licenses shall not be considered revenue, but shall be charged for the purpose of covering the expense of investigation and regulating the conduct of licensees.

Nothing herein shall be construed to affect the sale of fruit, vegetables, and farm produce, such as meat poultry, butter and eggs, from premises owned, leased or controlled by the person selling the same. Additionally, nothing herein shall be construed to affect the sale of goods at a farmer's market.

§274-3. License Required

Except as otherwise provided in this chapter, it shall be unlawful for any solicitor or peddler to sell or dispose of, or to offer to sell or dispose of, any goods, wares or merchandise, or to solicit orders for the performance of any service, within the corporate limits of the Township, without first obtaining a license in compliance with the provisions of this chapter. The license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by a licensed solicitor or peddler for every agent or employee working for licensee.

§274-4. Exemptions and Exceptions.

The licensing requirements of this article shall not apply to the categories of persons listed in Subsections A through E below. Persons who fit into the categories described in Subsections F and G below shall present satisfactory evidence thereof and proof that they possess the proper license pursuant to N.J.S.A. 45:24-9 and 45:24-10 to the Clerk, who shall then issue a license in accordance with this article without charging a fee.

A. Any public utility or its employees subject to regulation by the State Board of Public Utility Commissioners, provided that such employees shall display identification badges or cards issued by their employer.

B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

C. Any non-profit organization as defined in §274-1 of this Chapter, including charitable and religious organizations, provided that the means of identification assigned by such organization, if any, is carried by the peddler or solicitor. If no means of identification is

assigned by such organization, the peddler or solicitor shall be required to carry a bona fide means of identification, including but not limited to a valid driver's license or other government-issued identification. This exception shall include members or advocates for a non-profit organization engaging in the advocacy or non-commercial, non-for-profit causes, whether or not in connection. This exception also includes any non-profit organization that conducts sales of personal property when the proceeds are applied to the payment of expenses and to the charitable or religious purpose for which the organization exists.

D. Any person intending to distribute non-commercial or not-for-profit handbills, pamphlets, leaflets, circulars, advertisements or printed material, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

E. Any person:

- 1) Campaigning for any elected public office or public question, which is to be voted upon in the Township at a general, special, primary or school board election, or in a national or State election;
- 2) Distributing handbills, pamphlets, leaflets, circulars, advertisements or printed material with respect thereto; or
- 3) Otherwise engaging in political speech, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

F. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.

G. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with the law.

H. Any person selling fruits, vegetables, and farm produce (such as meats, poultry, butter, and eggs) from premises owned, leased, or controlled by the person selling the same.

I. Any person selling goods at a farmer's market.

J. Any person selling food from a mobile retail food establishment as defined in N.J.A.C. 8:24-1.1, et seq., including but not limited to food trucks and ice cream trucks, as long as such person is in compliance with N.J.A.C. 8:24-1.1, et seq., and the Township Code.

§274-5. Application for License.

Every applicant for a license under this chapter shall file with the Township Clerk a sworn written application, in duplicate, on a form to be furnished by the Clerk, which shall give the following information:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- E. The length of time for which the license is desired.
- F. If a vehicle is to be used, a description of the vehicle, and its license plate number, and its VIN number.
- G. A driver's license or other government issued identification that is valid for the entire period for which the peddler and solicitor's license is issued.
- H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the goods or property are located at the time such application is filed, and the

proposed method of delivery.

I. A photograph of the applicant taken within 60 days immediately prior to the date of application, which photograph clearly shows the head and shoulders of the applicant and measures two inches by two inches.

J. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

§274-6. Application Fee.

At the time the application is filed, a fee in the amount of \$100 shall be paid to the Township Clerk by bank or cashier's check to cover the cost of processing the application and investigating the facts set forth therein.

§274-7. Investigation of applicant.

When the application is properly filled out and signed by the applicant, the original and duplicate shall be filed with the Township Clerk. The Clerk shall refer the original to the Chief of Police, who shall make or cause to be made such investigation of the applicant.

§274-8. Issuance of license; refusal.

A. Grounds for refusal of license.

- 1) If as a result of the investigation of the applicant's request for license is found to be unsatisfactory, the Chief of Police shall endorse on the application their disapproval and the reasons therefor and return the application to the Township Clerk, who shall notify the applicant that the application is disapproved and that no license shall be issued. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:
  - a. Conviction of a crime involving moral turpitude, including but not limited to theft, fraud, aggravated assault, and sexual offenses.
  - b. Prior violation of a peddling or soliciting ordinance.
  - c. Previous fraudulent acts or conduct.
  - d. Record of breaches of solicited contracts.
- 2) In the absence of any such finding, the Chief of Police shall find the application satisfactory. The Chief shall complete the review of this process within ten (10) days for an applicant.

B. If as a result of the applicants are found to be satisfactory, the Chief of Police shall endorse on the application their approval, and return the application to the Township Clerk, who shall issue the license to the applicant. The license shall contain the signature of the Township Clerk and show the name, address and photograph of the licensee, the class of license issued, the kind of goods or services to be sold, the date of issuance, the length of time the license shall be operative and the license number and other identifying description of any vehicle used in the peddling or soliciting activity licensed.

C. The Township Clerk shall issue to each licensee at the time of delivery of the license a badge which shall show the nature of the license, the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of 10 feet. During the time the licensee is engaged in peddling or soliciting, the badge shall be worn constantly by licensee on the front of licensee outer garment in such a way as to be visible to a person facing licensee.

§274-9. Duties of licensee.



Every holder of a peddler's or solicitor's license issued by the Township Clerk under the authority of this chapter or by the clerk of the county under the authority of N.J.S.A. 45:24-9 shall be required to carry the license with licensee while engaged within the Township in the business or activity licensed. The licensee shall produce the license at the request of any official resident of the Township with whom they wish to conduct business or activity. Every peddler or solicitor, shall restrict their selling or soliciting activity within the Township to the hours between 8:00 a.m. and 9:00 p.m. Licensees and every person referred to in §274-4A on each day of such activity shall notify the police officer on duty immediately before commencing his selling or soliciting activity. If soliciting activities will be conducted on consecutive days, notification need only be made on the first day of such activity and the licensee shall notify the police officer of the length of the soliciting period. Notification shall include a statement as to the general area of the Township in which the licensee, as well as every person referred to in § 274-4A, intends to conduct or has conducted the activity.

§274-10. Prohibitions.

It shall be unlawful for a peddler or solicitor to:

A. Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first having identified themselves as a peddler, solicitor, transient merchant, or canvasser registered with the municipality and displaying the licensed issued therefor.

B. Call attention to their business or to their merchandise by crying out, blowing a horn, ringing a bell, other than the doorbell to a building, or any other loud or unusual noise prohibited by the Township Code.

C. Conduct or attempt to conduct their business at any residence or on any property on which is posted a sign expressly prohibiting the activity.

D. Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.

E. Distribute obscene merchandise or printed material, printed material that advocates unlawful conduct.

F. Litter the streets, public places, or other property within the Township with any merchandise or printed material.

§274-11. Enforcement; Violations and Penalties

A. It shall be the duty of any police officer of the Township to enforce the provisions of this chapter and to require any person seen peddling or soliciting who is not known by the officer to be duly licensed, to produce their peddler's or solicitor's license.

B. Any person convicted of violating the provisions of this chapter shall be subject to the penalties set forth in Section 1-15 of the Township Code.

§274-12. Record of licenses.

The Township Clerk shall maintain a record of all licenses issued under the provisions of this chapter and record therein all convictions for violations and other pertinent circumstances and incidents reported by the Chief of Police.

§274-13 Revocation of license.

A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police upon notice to the licensee to the addressed listed on licensee's application for any of the following causes:

- 1) Fraud, misrepresentation or false statement contained in the application for license.
- 2) Fraud, misrepresentation or false statement by the licensee in the course of

- conducting the business licensed.
- 3) Any violation of this chapter.
  - 4) Conviction of any crime involving theft, dishonesty or violence or the threat of violence.
  - 5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Notice of revocation shall be communicated to licensee by telephone and regular mail at the telephone number and address set forth on licensee's application. If the licensee requests a hearing pursuant to §274-14, notice of hearing shall be given in writing setting forth the specific grounds of complaint and the time and place of hearing. Such notice shall be sent by regular and certified mail to the licensee at his last known address at least five days prior to the date set for the hearing.

§274-14. Appeals to Township Committee.

Any person aggrieved by the action of the Chief of Police or of the Township Clerk in the denial or revocation of a license shall have the right of appeal to the Township Committee. The appeal shall be taken by filing with the Township Committee, within 14 days after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Committee shall set a time and place for hearing of the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided in § 274-13. The decision of the Township Committee shall be final.

§274-15. Expiration and renewal of license.

All licenses issued under the provisions of this chapter shall expire on December 31 of the calendar year in which they are issued. Any license may be renewed without payment of an additional registration fee upon submission by the licensee of a new application in conformity with the requirements of § 274-5 or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring the application completely up to date. A new application or statement in lieu thereof shall be subject to the provisions and standards set forth in § 274-5.

§274-16. (Reserved)

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.

## **RESOLUTIONS**

### **Resolution No. 52-2019 - Opposing Gov. Murphy's State Education Aid Cuts**

*Motion by Ms. Koehler, seconded by Mr. Laul carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 52-2019 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 52-2019**

**RESOLUTION OPPOSING GOVERNOR MURPHY'S EDUCATION FUNDING CUTS  
TO LEBANON TOWNSHIP LOCAL AND REGIONAL SCHOOL SYSTEMS**

WHEREAS, Governor Phil Murphy's Administration has recently published its proposed funding numbers for every school district in the State of New Jersey for the 2019-2020 school year; and

WHEREAS, despite Governor Murphy touting an overall proposed 2.43 percent increase in state-wide education spending, the Governor's proposed education budget will cut state funding to 197 school districts across New Jersey, including 19 school districts in Hunterdon County; and WHEREAS, the proposed cuts in educational aid to the Hunterdon County school districts amount to a net reduction of \$2,114,349 in state educational funding; and

WHEREAS, the Lebanon Township local school district and the North Hunterdon-Voorhees regional school district are impacted by the proposed cuts which include a 9.36 percent (\$213,844) reduction in state funding to the Lebanon Township local school district and a 3.68 percent (\$200,892) reduction in state funding to the North Hunterdon-Voorhees regional school district; and

WHEREAS, more than 72 percent of Lebanon Township property taxes are already applied towards school funding and the substantial loss in state educational aid for Lebanon Township is predicted to continue for the next six years; and

WHEREAS, it will be an increasing challenge for the school administration to plan for short- and long-term sustainability as maintaining an adequate fund balance becomes difficult, especially with a predicted \$1.1MM decrease in state educational funding over the next six years; and WHEREAS, short- and long-term sustainability for Lebanon Township schools include such critical items as support services for students, building maintenance and facilities upgrades that include security enhancements and IT; and

WHEREAS, many Hunterdon County school districts, including the Lebanon Township local district and North Hunterdon-Voorhees regional school district already receive a diminished level of state educational funding as compared to other school districts throughout New Jersey; and

WHEREAS, the severe cuts sought by the Murphy Administration in state educational funding will have a negative impact on the quality of education that Lebanon Township students receive including the "social and emotional learning" initiative proposed by the state; and

WHEREAS, Lebanon Township students are just as deserving of a quality educational experience as compared to their peers across the state; and

WHEREAS, the Governor's proposed education cuts will accelerate increasing property taxes on already overburdened residents in Lebanon Township, other Hunterdon County municipalities and across the 178 additional school districts affected; and

WHEREAS, the biggest impact of the increase in Lebanon Township property taxes will be on residents with middle to lower incomes who are least able to absorb the increases; and

WHEREAS, this is a budget proposal and there is still time for the Murphy Administration to reexamine the local impacts of its policy decision including seeking information from local policy makers, Board of Education, teachers and ultimately the students impacted by these proposed budget cuts.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lebanon, Hunterdon County, wishes to express its disapproval of the Murphy Administration's proposed education cuts to the Lebanon Township local and regional school system along with other districts across the State of New Jersey; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey calls upon Governor Murphy to immediately direct his Secretary of Education and State Treasurer to reverse the proposed cuts in state educational funding; and

BE IT FURTHER RESOLVED, that copies of this resolution will be sent to Governor Phil Murphy; State Senate President Stephen Sweeney; Assembly Speaker Craig Coughlin; Senate Minority Leader Tom Kean, Jr.; Assembly Minority Leader Jon Bramnick; Senator Michael J. Doherty; Senator Kip Bateman, Senator Shirley K. Turner; Assemblyman John DiMaio; Assemblyman Erik Peterson; Assemblyman Roy Freiman; Assemblyman Andrew Zwicker; Assemblywoman Verline Reynolds-Jackson; and Assemblyman Anthony S. Verrelli.

**Resolution No. 53-2019 – Museum Grant Application**

*Motion by Mr. Laul, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 53-2019 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 53-2019  
SUPPORTING AND AUTHORIZING APPLICATION FOR  
NEW JERSEY COUNCIL FOR THE HUMANITIES INCUBATION GRANT  
FOR ORAL HISTORY PRESERVATION PLANNING**

WHEREAS, the Township of Lebanon Historians have collected more than forty audio and video recordings of oral histories presented by senior residents over the past decades; and WHEREAS, the oral histories tell the story of the Township's culture and development including farming life, local trades and industrial careers and the evolution of the school system over the past century with second-hand accounts ranging back to the late 1800s; and

WHEREAS, the histories have been recorded on a variety of formats from cassette tapes through digital videos, which are not easily accessed nor indexed; and

WHEREAS, the Township of Lebanon maintains a Museum with a staff of Curators as keepers of knowledge and cultural resources with a mandate to make history accessible and available to the public; and

WHEREAS, public accessibility of the oral histories through the Internet with indexing functionality would enrich the lives of Township residents as well as residents of New Jersey and beyond; and

WHEREAS, an Incubation Grant from the New Jersey Council for the Humanities would fund the development of a plan to preserve, index, and make the oral histories widely available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that up to \$5,000 of funding be applied for from the New Jersey Council of the Humanities as an Incubation Grant for Oral History Preservation planning and that the Mayor is hereby authorized to execute the documents for such application.

## **OLD BUSINESS**

### **Patricia Schriver Stage Committee Update**

Mr. Eric Petrik and Ms. Doreen Bleck provided copies of the preliminary sketches for the stage and a rough drawing of the park. The Stage Committee feels that the best location for the stage will be where the volleyball courts are currently located. They would like to relocate the courts to in front of the concession stand, toward the road and just past the septic field. Ms. Bleck said that she met with Mr. Adam Ambielli, who installed the existing volleyball courts, and he has offered to move the courts to the new location and fill in the old courts.

Mr. Petrik gave the Committee an overview of the stage plans. The ground will need to be built up behind and along the side of the stage to avoid the need for a railing.

The Committee discussed having the Township Engineer mark out the septic field and the location where the stage will be placed. Once the Architect has prepared the buildable drawings a job site meeting can be scheduled with the Engineer and Architect.

*Motion by Mr. Wunder, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee authorized the Township Engineer to mark out the septic system, the new location for the volleyball courts and to conduct a preliminary review of stage area. The Engineer is to report back to the Committee if any issues are found.*

Mayor Schmidt will coordinate discussions between the Engineer Risse and Mr. Petrik.

### **DPW Mechanic's Bay Floor Bids**

At 10:00 a.m. on April 30, 2019, bids were opened for the repairs to the DPW Mechanics Bay Floor. One bid was received from William Kohl Construction in the amount of \$97,200.00. The Committee discussed the bid and determined that it substantially exceeds the cost estimate.

*Motion by Ms. Koehler, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee rejected the bid submitted by William Kohl Construction in the amount of \$97,200.00, as it substantially exceeds the cost estimate.*

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee authorized the rebidding of the Mechanics Bay Floor project with the current specifications. AYES: Laul, Koehler, Schmidt NAYS: Wunder, McKee*

### **Road Material Bids**

At 10:00 a.m., on April 30, 2019, bids were opened for 2019 Road Materials. Two bids were received: Tilcon New York - Top Mix at \$67.45 per ton and Base Mix at \$64.70 per ton.  
Stavola Asphalt - Top mix at \$70.00 per ton and Base Mix at \$68.00 per ton.

The Township is currently paying \$59.50 per ton through the 2018 awarded contract.

The lowest of the two bids received substantially exceeds the estimated cost of the materials.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee rejected the two bids received from Tilcon New York - Top Mix at \$67.45 per ton/Base Mix at \$64.70 per ton and Stavola Asphalt - Top Mix at \$70.00 per ton/Base mix at \$68.00 per ton, as they substantially exceed the estimated cost of the materials.*

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to readvertise for the 2019 Road Materials with the same specifications.*

### **Readvertise for Summer Help**

There were no applications received for the DPW Seasonal Employee positions. The DPW Manager is requesting to readvertise for the 2 positions.

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the readvertising of an employment ad seeking 2 DPW Seasonal Employees, with an expiration date of July 30, 2019; however, a qualified applicant(s), up to 2, can be hired prior to that date.*

### **Municipal Doors**

Mayor Schmidt stated that the Municipal Office doors are due to be delivered on Monday, May 20, 2019. The contractor is ready to begin work that day also.

### **Township Volunteer and Employee Appreciation Event**

Mr. Laul stated that 94 people will be attending the Appreciation Event to be held this coming Saturday, May 18, 2019.

### **NEW BUSINESS**

#### **DPW Manager Request to Purchase a Trailer**

The DPW Manager has requested to purchase a 2019 Air Tow Trailer to replace a 1980 tilt trailer. He received two quotes, one from Rock Line Products Inc., in the amount of \$15,168.00 and one from Quality Trailers at \$16,568.00. The CFO has certified that funds are available in the Capital Budget for the purchase. Mr. Gabriel recommended purchasing the trailer through Rock Line Products Inc. for \$15,168.00.

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to purchase an Air Tow Trailer, from Rock Line Products, Inc., in the amount of \$15,158.00.*

### **Stop the Soot Grant**

Mayor Schmidt stated that an application has been submitted to the NJDEP for the Stop the Soot Grant. Verbal approval was granted for 30% of the purchase price of a new backhoe. The Township is required to render the current backhoe inoperable in order to comply with the grant requirements. A new backhoe cannot be ordered until the contract paperwork is received from the State, which will most likely be in a few weeks.

### **DPW Manager Request to Purchase Backhoe**

The DPW Manager is requesting to purchase a new John Deere Backhoe to replace the 1994 Ford 555 which has 6579 hours on it. The backhoe would be purchased under the Source Well Contract # 032515-JDC and through Jesco Equipment. The price of the Backhoe is \$110,409.76.

*Motion by Ms. Koehler, seconded by Mr. Laul carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a John Deere Backhoe, through Jesco Equipment, at a cost of \$110,409.79. The purchase is under Source Well Contract # 032515-JDC and will be purchased in coordination with the timing of the Stop the Soot Grant.*

### **Fire Department Request for Annual Donation**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Fire Department for their annual donation of \$80,000.*

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the May 15, 2019 bill list in the amount of \$ 59,692.67.*

### **CORRESPONDENCE**

- a. Recreation Commission April 4, 2019 Meeting Minutes  
(With details of upcoming events)
- b. Volunteers of Fatima - May 25, 26, 27 of 2019 Walk
- c. Tax Collector's Report for April 2019
- d. Museum Curator's May 15, 2019 Report

### **PUBLIC COMMENTS**

*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 at 8:14 p.m.*

Mr. Charlie Fortenbacker thanked DPW Manager Gabriel for taking care of the root problem in the Park. Mr. Fortenbacker also thanked Mr. Wunder for pumping the septic tank in the Park, free of charge.

Mr. Fortenbacker informed the Committee of a problem he is having with a neighbor accumulating junk and wanted to know if there is any recourse.

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee congratulated Assemblyman John DiMaio on the birth of his grandson Wyatt.*

*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 8:23 p.m.*

#### **EXECUTIVE SESSION - Resolution No. 54-2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 54 -2019 and convened in executive session at 8:24 p.m. Potential action will be taken on the Police Chief contract.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 54-2019

#### **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;

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: Little Brook Lane Snow Contract – Tewksbury Township Shared Services Agreement -Business Administrator

\_\_\_\_\_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: Police Chief Contract \_\_\_\_\_ 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.

Public Meeting reconvened at 8:48 p.m. No action was taken.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:48 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: June 5, 2019

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Mike Schmidt, Mayor