

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
June 17, 2020**

Minutes of Regular Meeting

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 our First Responders and Police Department.

ROLL CALL

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

Also Present - Attorney Matt Lyons, Administrator James Barberio and Clerk Karen Sandorse
(via teleconference)

Congratulation to Patricia and Allen Nichols

Mayor Schmidt stated that Patricia and Allen Nichols have lived in the Township for 52 years and tomorrow they will be celebrating their 60th Wedding Anniversary. The Committee congratulated the Nichols’ and wished them continued happiness.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of June 3, 2020

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 June 3, 2020.

Minutes of the Executive Session of June 3, 2020 - Held to Executive Session

PUBLIC COMMENTS – for agenda items only.

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

RESOLUTIONS

Resolution No. 43-2020 - Authorizing the Clerk to Endorse Outdoor Dining

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 43-2020 as written below.

RESOLUTION
AUTHORIZING THE CLERK TO ENDORSE OUTDOOR DINING
PRIOR TO A MEETING
LEBANON TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION No. 43-2020

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a contagious and, at times, fatal respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, pursuant to Executive Order No. 103, NJ Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exist in the State of New Jersey; and

WHEREAS, Governor Murphy issued Executive Order No. 150 permitting, in part, the resumption of outdoor dining and beverage sales and consumption with restrictions imposed by the New Jersey Department of Health; and

WHEREAS, according to Executive Order No. 150, effective 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts (with or without a liquor license), bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas; and

WHEREAS, on June 3, 2020, the State of New Jersey, Department of Law and Public Safety/Division of Alcohol Beverage Control (“NJABC”) issued Special Ruling 2020-10, authorizing a process pursuant to which certain food and beverage establishments may obtain a “COVID-19 Temporary Permit to Expand the Licensed Premises” to include adjacent outdoor areas due to the COVID-19 Pandemic through their local municipalities and the NJABC; and

WHEREAS, such applications must be endorsed by the Municipal Clerk; and

WHEREAS, the issuance of these permits is extremely time sensitive, and endorsements to the NJABC may be needed by an establishment prior to the time that regularly scheduled meetings fall; and

WHEREAS, the Township Clerk has been advised by the governing body that if appropriate, she may provide the endorsements to the NJABC, prior to the time of a scheduled meeting in order to assist business owners during this COVID-19 Pandemic.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Clerk is hereby authorized to review and issue, if appropriate, endorsements to the NJABC for outdoor dining prior to the same being authorized via resolution at the next regularly scheduled meeting.

Resolution No. 44-2020 – Appointing a Tax Collector

Tabled to Executive Session

OLD BUSINESS

Municipal Park Stage/Volleyball Plans

Mr. Eric Petrik, Chairman of the Park Committee and the Friends of Memorial Park was present.

Mr. Petrik stated that a group of residents started to organize the plans to erect a stage in the park in honor of Pat Schriver. Plans were drawn up and they were trying to break ground prior to the COVID-19 closures.

Mr. Petrik stated that the stage will be located where the current volleyball courts are. Mr. Paul Spatz has agreed to relocate the volleyball courts to a location in front of the concession stand.

Mayor Schmidt stated that the Committee previously authorized Township Engineer Steve Risse to do the engineering work needed for the project. Mr. Risse also obtained the permits from Soil Conservation as required.

Mr. Petrik stated that Mr. Spatz informed him that that project will take approximately 6 days. He will be working on Saturday's only so the relocation of the courts should be completed in less than two months.

Mr. Petrik will reach out to the group that uses the volleyball courts to inform them of the pending work.

Discussion was held on current concepts of the stage and the potential phases of construction for the project.

Mr. Petrik stated that Friends will cover the costs of any materials that cannot be salvaged from the relocation of the volleyball courts.

Mr. Petrik said that he needs to know what the next process is. Mr. McKee said that discussion has to be had on what building permits are required. Mayor Schmidt said that once Friends has the financing together and a full plan, from start to finish, they should present to the Committee for approval.

Mr. Petrik said that the goal is to get the foundation for the stage, the timber and the roof done as soon as possible. Local contractors have agreed to complete the finishing work but it may take some time.

Mayor Schmidt said that the next time Friends comes back to the Committee they should be provided with a plan to bring the project to a logical point. They should inform who the contractors are and a timeline. Mayor Schmidt noted that the Committee needs confidence that there will not be a long-term construction site.

Mr. Laul noted that the Committee will need to approve any volunteers that will be working on the project so they will be covered by the Township's insurance.

Attorney Lyons stated that there needs to be a comprehensive timeline. In the segmentation there needs to be proper steps in place if the project should need to be put on hold. Attorney Lyons has concerns with the project being left for any length of time as it could result in an unsafe situation.

Motion by Mr. McKee seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Bayer-Risse site plan to relocate the volleyball courts and to complete the excavating work for the construction of the stage.

COVID-19 Update

Mayor Schmidt stated that every other Wednesday there is a conference call with the Mayor's of Morris, Sussex and Hunterdon counties and a member of the Governor's office.

Mayor Schmidt provided the Committee with the information he collected from today's call.

- Indoor gatherings are now allowed at 25% of the capacity of the building/room or 50 people - the lower of either one.
- On June 21, 2020 outdoor gatherings will increase to 250.
- One July 3, 2020 outdoor gatherings will increase to 500.
- Interior gatherings will increase on a similar timeline, by percentage of permitted occupancy for a room.
- Playgrounds still need to be closed as they are considered high contact surfaces.
- The intention is that by mid-July all businesses will be open to some level. By Labor Day they are planning that the businesses will be open to a hire capacity. They will not be open to full capacity until there is a vaccine.
- Indoor dining should be permitted between mid-July and Labor Day but will not be up to 100% capacity.

Mayor Schmidt stated that Lebanon Township Municipal Office employees came back to work, full-time, last Monday. Preparations are being made for the offices to reopen to the public in early July under new rules. Mayor Schmidt noted that the Board of Adjustment is scheduled to resume meetings on June 24th and the annual Dumpster Day will be held on June 27, 2020.

Mayor Schmidt stated that Lebanon Township has remained flat with 16 confirmed cases of COVID-19 amongst the residents with no reported deaths.

Ms. Koehler suggested having a plan in place if one of the Township's public meeting has attendance that exceeds the number of individuals permitted in the meeting room at one time. Discussion was held.

ADMINISTRATOR UPDATE

Mr. Barberio said that the Personnel Policy and Procedure Manual is close to completion. He will be sending Attorney Lyons for review.

Mr. Barberio said that the harassment training has been postponed due to COVID-19. He reached out to Statewide to see if they provide virtual training but they do not. They will come in to do a training with social distancing or stagger training sessions, however.

Mr. Barberio said that monthly staff meetings will begin in mid to late July.

Mr. Barberio has received emails regarding sporting activities resuming in the Township. He will be putting a memo together to be sent to the residents based on Executive Order 152 and NJ Department of Health regulations.

Mr. Barberio said that the bid notice for the Sliker and Anthony Road Project will go out tomorrow with a July 22 bid opening date.

Mr. Barberio said that it has been difficult to get PPE but today he purchased hand sanitizer and disinfectant. Masks were ordered also.

Ms. Koehler asked how the Township is handling the use of the pavilion now that the outside gathering numbers are increasing. Mayor Schmidt stated that the Township is taking reservations at this time. The renters are informed that they must comply with the regulations that are in place at the time of the event. Mr. Laul said that that pavilion and bathrooms will be open only for scheduled events.

NEW BUSINESS

Hire Clerical Employee

Mayor Schmidt stated that the clerical support employee resigned for personal reasons. The employee provided clerical support to the Zoning Officer and for general filing.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized advertising for a clerical support employee at a \$11.00 - \$15.00 per hour depending on experience.

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 June 3, 2020 bill list in the amount \$ 96,955.57

CORRESPONDENCE

- a. Curator's Report
- b. Tax Collector's Report

PUBLIC COMMENTS

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:47 p.m.

Ms. Laramie Silber asked if the Township Committee will continue holding their public meetings remotely so the residents can participate from home. Mayor Schmidt stated that for the foreseeable future the Township will continue with remote meetings. Possibly by the second meeting in July the public may be able to attend the meetings in person. Attorney Lyons said that once the Executive Orders are lifted the option to participate remotely may be lifted.

Ms. Silber informed the Committee that there has been a lot of construction traffic on Musconetcong River Road. Mayor Schmidt stated that he believes that the traffic may relate to the closing of Route 513 for the bridge project. The Mayor will inform the Police Chief of the problem.

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 at 7:55 p.m.

EXECUTIVE SESSION

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2020 and convened into executive session at 7:56 p.m. Action may be taken.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 45-2020
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: **CWA Local 1040**);

_____ 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.);

June 3, 2020 Executive Session Minutes

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: **Tax Collector Interview** _____ Union Contract CWA Local 1040 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 public meeting reconvened at 9:38 p.m.

Minutes of the Executive Session Meetings of June 3, 2020

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session Meetings of June 3, 2020 as amended.

Resolution No. 44-2020

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2020 as amended by the Township Attorney and written below. Said Contract will be amended to delete "Draft" and in paragraph 2 the resolution will be specified as 44-2020.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 44-2020
RESOLUTION APPOINTING
A CERTIFIED TAX COLLECTOR

WHEREAS, the Township Committee of the Township of Lebanon received numerous applications for the advertised position described as Certified Tax Collector; and

WHEREAS, the Township Committee believes that Ann Marie Silvia CTC, is the most qualified individual to serve as the Certified Tax Collector for the Township of Lebanon.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey, that Ann Marie Silvia, CTC, is appointed Certified Tax Collector, effective June 17, 2020, to fulfill the remaining term of Kris Boxwell per N.J.S.A. 40A:9-145.1. The term expires on December 31, 2020.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey, that the Tax Collector annual salary will be \$28,000 pro rated from the effective date above through December 31, 2020 under the terms set forth in the Tax Collector's Contract attached hereto as Exhibit A.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul, seconded by Mr. McKee, and carried by unanimous favorable roll call vote to adjourn the meeting at 9:42 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 1, 2020

Mike Schmidt, Mayor