

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 Servicemen and Women and extended condolences to Gail Glashoff in the loss of her husband, George.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meetings of June 5, 2019

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of June 5, 2019.

PUBLIC COMMENTS – for agenda items only.

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

There 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.

GUEST PRESENTATION

Lebanon Township School Representative- Superintendent Jason Kornegay

Mr. Kornegay thanked the Committee and the Police Department for the Special Law Enforcement Office that was placed in the Woodglen School. Mr. Kornegay noted that Officer Perna has done a wonderful job in the school and has developed a great relationship with the children and the staff.

Superintendent Kornegay provided a presentation on the 2019 Local School Budget and loss of School State Aid this year.

ORDINANCES

Public Hearing

Ordinance No. 2019-05 – Amending Chapter 274 of the Code-Regarding Peddling and Soliciting

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-05 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. 2019-05 was closed.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-05 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2019-05
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:

§274-16. Entering on posted property prohibited.

No solicitor or peddler shall enter onto any property on which is located a sign or signs stating “no solicitors,” “no trespassing” or carrying a similar message forbidding the entry of any persons onto the property.

§274-16.1. Collection, preparation and maintenance of a non-solicitation list.

- A. Collection, preparation and maintenance of a non-solicitation list. The Office of the Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Township Clerk that soliciting and peddling is not permitted on his/her premises. To be included on the non-solicitation list, residents shall complete a form. With the adoption of this Section, the Township shall mail the form to all residential property owners or occupants. Thereafter, the form shall be available in the Municipal Clerk’s Office during normal business hours, Mondays through Fridays, from 8:30 a.m. to 4:30 p.m., except legal holidays.
- B. The Township Clerk and/or the Deputy Township Clerk shall submit the non-solicitation list to the Chief of Police on a quarterly basis, which non-solicitation listing shall be distributed to applicants seeking a license to solicit or peddle pursuant to the provisions of this Chapter. The licensee shall not solicit or peddle at any address on the non-solicitation list.
- C. Updating of non-solicitation list. On or about January 1, April 1, July 1 and October 1 of each year, the Office of the Township Clerk shall update the list. The updated list shall then be forwarded to the Chief of Police for distribution to solicitors and/or canvassers.
- D. Any solicitor or peddler violating the provisions of §274-1, et seq., described above shall be punishable under Chapter 1 of the Code of the Township of Lebanon.

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. 59-2019 - Plenary Retail Consumption License Renewal –
The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquors**

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 59-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 59-2019

RESOLUTION RENEWING A PLENARY
RETAIL DISTRIBUTION LICENSE

WHEREAS, the listed Plenary Retail Distribution Licensee has submitted an application to the State of New Jersey Division of ABC; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2019-2020 year:

1019-44-008-002 The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor
425 Route 513, Califon, NJ

**Resolution No. 60-2019 – Plenary Retail Consumption License Renewal –
Asdal Holdings LLC**

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 60-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 60-2019
PLENARY RETAIL CONSUMPTION LICENSE
SPECIAL CONDITION

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted an application to the State of New Jersey Division of ABC; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

WHEREAS, the license has been inactive and the licensee has petitioned the Director of the Division of ABC for a Special Ruling pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, as the licensee is requesting relief for the 2018-19, 2019-2020 and 2020-2021 license terms a Special Condition must be placed upon the license stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2021, except if good cause for reconsideration is shown.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2019-2020 year: and

NOW, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that a Special Condition is placed upon License No. 1019-33-007-002; Asdal Holdings, LLC- 374 Vernoy Road, establishing that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2021, except if good cause for reconsideration is shown.

**Resolution No. 61-2019 - Plenary Retail Consumption License Renewal –
ATK Inc. – Tony’s Bistro**

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Resolution No. 61-2019 as written below. AYES: Laul, Koehler, McKee, Schmidt ABSTAIN: Wunder

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 61-2019
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2019-2020 year:

1019-33-001-002 A T K Inc. t/a Tony’s Restaurant & Pub, Califon, NJ

OLD BUSINESS

Memorial Park Survey

A few meetings ago the Park Committee presented a proposed plan, for the Pat Schriver Memorial Stage, to the Township Committee. The Township Committee decided to request that the Township Engineer visit the site to view the proposed location of the stage and to ensure that the new volleyball courts will not intrude on the septic system. The Engineer has confirmed that the volleyball courts will not be over the septic; however, he has suggested that a more detailed topographic survey be conducted.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee authorized Engineer Steve Risse to conduct the topographic survey for the

volleyball courts and the proposed location for the stage, at a cost not to exceed \$2000. AYES: Wunder, Laul, McKee, Schmidt ABSTAIN: Koehler

Bunnvale Storm Water Abatement

The topic of stormwater problems at the Bunnvale Library was discussed earlier this year and the DPW Manager was asked to speak to the Township Engineer about the problem. The Engineer informed Mayor Schmidt that he has spoken to an outside expert about permitting. The estimated cost for engineering and permitting, to conduct a straight forward remediation, will be approximately \$8000.

Mayor Schmidt stated that the Highlands Council has a grant that can possibly be used for Stormwater Management; however, the Township's Stormwater Ordinance will need to be updated to comply with Highland's regulations.

Mr. Wunder feels that to accomplish the task, \$8000 appears to be a very high number. Mr. Wunder will speak with the Engineer about the project and ask him to provide more detail.

DPW Manager's Request to Award Road Material Bid

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee awarded a contract to Warren Materials for 2019 Road Materials at a cost of \$62.85 per ton for Top Mix and \$55.45 per ton for Base Mix.

DPW Mechanic's Bay Floor Reconstruction Bid

Mayor Schmidt stated that one bid was received for the Reconstruction of the DPW Mechanics Bay Floor, at a cost of \$77,000. Discussion was held on whether the specifications will correct the problem with the floor, if the cost is acceptable and if this is the right contractor to do the job.

The CFO has certified that funds are available.

Mayor Schmidt feels that this is a reasonable way to fix the problem.

DPW Manager Gabriel said that he feels that the specifications will correct the problem. Mr. Gabriel noted that something needs to be done because the walls are being affected. Discussion was held on the possible ways to repair the walls.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee accepted the bid from A-Tech Concrete Co., for the Reconstruction of the DPW Mechanic's Bay Floor, in the amount of \$77,000, and directed Attorney Lyons to prepare written terms that will not deviate from the specifications and response. AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder

DPW Manager's Request to Purchase a Paver

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to purchase a 2019 Lee Boy 8515E Paver from U.S. Municipal, through the Educational Services Commission of New Jersey, bid #18/19-25, at a cost of \$177,956.10.

LTVFD Fire Chief's Request to Purchase SCBA Bottles

Motion by Mr. Wunder, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of 23 Scott SCBA bottles at \$29,394.00 through State Contact #A80961/TO790.

Zoning Officer Agreement

Tabled to Executive Session.

Appointment of Clerical Assistant

Tabled to Executive Session.

ROW Easements - Red Mill Road – Thomas and Heidi McKee

Mr. McKee recused himself from the meeting.

Mayor Schmidt stated that the McKee's put their farm into Farmland Preservation through a State grant. The State had asked Lebanon Township if there were concerns or comments to be raised regarding the preservation of the property. The Township Engineer informed the State that Red Mill Road has a 33 ft. Right of Way; however, the Township Master Plan establishes a 50 ft. Right of Way along the roadway. The State did not preserve the Right of Way as it would have been very difficult to widen the roadway, in the future, to the 50 ft., if the need ever arose.

The McKee's Attorney drafted two Easements for two tracks of land, which would increase the Township' Right of Way a total of .2399 acres. The McKee's agreed that they would accept compensation for the easement, at the same easement value paid by the SADC for the Farmland Preservation, at \$6000 per acre. The total cost will be \$1439.40.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized compensation to Thomas and Heidi McKee for two easements along Red Mill Road, totaling .2399 acres, at a cost of \$1439.40.

Mr. McKee returned to the meeting.

NEW BUSINESS

Lebanon Township School District Shared Services Agreement Special Law Enforcement Officers – 2019-2020

Motion by Mr. Laul, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, the Township Committee approved Lebanon Township School District's Shared Services Agreement for Special Law Enforcement Officers, for the 2019-2020 school year and authorized the Mayor to sign.

North Hunterdon Voorhees High School Shared Services Agreement Special Law Enforcement Officers – 2019-2020

Tabled to next meeting

DPW Manager's Request to Donate Oil Tank

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to donate a 500-gallon oil tank to Quakertown Fire Department.

Friends of Memorial Park - Request to Serve Beer & Wine at Fall Fest

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved the sale of Beer and Wine at the Fall Fest which will be held on September 28, 2019. AYES: Laul, Koehler, McKee, Schmidt NAYES: Wunder

Historian Committee Resignation – Eileen Lebida

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Eileen Lebida, from the Historians, with regret.

LT EOSC Resignation – Adam Mickley

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Adam Mickley, from the EOSC, and wished him good luck in his move.

LT EOSC Request to Appoint New Member

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Michael Chen as an EOSC Member, Alt # 2, Kathryn Koch will fill Mr. Mickley's unexpired term through 2020 and Marty Collett will assume the Alt. #1 position, term expiring 2019.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved the June 19, 2019 bill list, w/addendum, in the amount of \$2,797,007.72 and authorized the finance office to issue a payment of \$1039.98 to Monmouth Telecom and a postage payment of \$2000.00.

CORRESPONDENCE

- a. NJLM Legislative Update
- b. Animal Control Report for the Month of May 2019
- c. Minutes of the April 4, 2019 Recreation Meeting
- d. Minutes of the June 10, 2019 Park Committee Meeting
- e. Curator's Report –

Mr. McKee said that the Stars and Stripes Fabric of American Spirit is on display at the Museum. Mr. McKee said that he appreciates the work of Squier's Point, the Historians and the Curator. There was also a Flag Day event with an Apple Pie Contest on Saturday at the Museum.

PUBLIC COMMENTS

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:16 p.m.

Ms. Kathryn Koch said that the Stars and Stripes event was a moving and spectacular event. There will be a second talk on July 13, 2019 at 2 p.m. At the Saturday Flag Day event, the Boy Scouts conducted a flag ceremony and there was a pie contest. Ms. Koch stated that the work the Curators, Historian's and Squier's Point are doing is terrific.

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 8:19 p.m.

EXECUTIVE SESSION - Resolution No. 62-2019

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 62-019 and convened in executive session at 8:19 p.m. Action may be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 62-2019**

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: **Fire Department EMS Contract Update**

_____ 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 Potential Liability for Private Roads** 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: **Zoning Officer – Clerical Assistant Position** _____ 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 8:56 p.m.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Jessica De Carli as a Clerical Assistant, at \$14.00 per hour, for 10 hours per week.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 8:56 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 17, 2019

Mike Schmidt, Mayor