

**CALL TO ORDER**

Mayor Marc Laul called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meetings Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Laul asked everyone to please stand for the Flag Salute and for a moment of silence in honor of resident Randall Smith who tragically passed away recently.

**ROLL CALL**

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

Absent-

Also Present - Attorney Tara St. Angelo, Clerk Karen Sandorse and 7 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of July 5, 2017**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee tabled the minutes of the July 5, 2017 Committee meeting until the next meeting.*

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

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

**Minutes of the Executive Session Meeting of July 19, 2017**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of July 19, 2017 as amended.*

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

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

Mr. Ron Milkowski asked why the July 5, 2017 meeting minutes are being tabled again as it has been over a month. Mayor Laul said that the Committee is holding them until Attorney Cushing is present at the next meeting for clarification.

Mr. Milkowski inquired on the need for the resolution pertaining to the Bargaining Unit for the Tax Assessor. Mayor said that it was not stated clearly in the Assessor's Agreement who her Bargaining Unit is. Mr. Milkowski has concerns with the Union controlling the Assessor.

Mr. Victor Hoffman said that he spoke to the Police Chief about the Speed Restriction Ordinance and asked the Committee how they plan on enforcing it when there are other streets where the speed limits are not being enforced. Mr. Hoffman said that there is nowhere for the Police Officers to park their vehicles to conduct radar. Chief Gale said that the Officers can take radar on a private resident's property if the property owner authorizes it; however, in certain locations the radar does not work accurately.

Mr. Hoffman asked if the Bargaining Unit will control the hours of the Tax Assessor. Mayor Laul said that the Union will not control the Assessor's hours.

Chief Gale said that the posted speed limit restrictions will not be adhered to by all, but the majority of the public will comply with the posted signs. The speed limits will provide a safer environment for the community.

Mr. Wunder said that he sees Police Officers all over the Township and that they are doing a great job

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

## **ORDINANCES**

### **Public Hearing – Ordinance No. 2017-04**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-04 was opened.*

There were no comments from the public.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-04 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2017-04 as written below.*

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON

ORDINANCE NO. 2017-04

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 \$382,000 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) resurfacing of Red Mill Road (between Newport Road and Mt. Airy Road); (B) undertaking the Chip Seal Program at various roads; (C) acquisition of a calcium storage tank and distribution equipment for winter road treatment; (D) acquisition of an electronic message sign for the Municipal Building; and (E) various improvements to the Museum. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$382,000 is hereby appropriated to the payment of the cost of the improvements 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 \$382,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

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

**Introduction – Ordinance No. 2017-05**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2017-05, on first reading, as entitled below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 2017-05

AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE XVII OF CHAPTER 7 OF THE TOWNSHIP CODE REGARDING SPEED RESTRICTIONS ON CERTAIN STREETS

**Public Hearing to be held on August 16, 2017**

**RESOLUTIONS**

**Resolution No. 77-2017 - Renewing Plenary Retail Consumption License- River Styx Inn**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved Resolution No. 77-2017 as written below. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 77-2017  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES

WHEREAS, the Lebanon Township Governing Body approved the Extension of Plenary Retail Consumption License No. 1019-33-007-001 to Linda C. Schuyler, the Executrix of the Estate of Ledyard B. Schuyler, Jr., on September 6, 2016; and

WHEREAS, the license has been inactive since September 28, 2006 and on July 20, 2015 the licensee 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, the Director granted a Special Ruling on September 3, 2015 for the 2015-16, 2016-17 and 2017-18 license terms; and

WHEREAS, the below listed Plenary Retail Consumption Licensee's Executrix has submitted a renewal application to the State of New Jersey Division of ABC; and

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

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

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 Executrix of the Estate of Ledyard B. Schuyler, Jr., is hereby granted a license renewal for the 2017-2018 year:

1019-33-007-001 ESTATE OF LEDYARD B. SCHUYLER, JR - RIVER STYX INN –  
374 Vernoy Road

**Resolution No. 79-2017 – Amending Resolution No. 73A-2017- Appointing a Tax Assessor**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 79-2017 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 79-2017  
RESOLUTION AMENDING RESOLUTION NO. 73A-17  
APPOINTING TAX ASSESSOR

**WHEREAS**, on June 19, 2017, pursuant to Resolution No. 73A-17, the Township of Lebanon appointed Laura Whitaker as the Tax Assessor of the Township of Lebanon; and

**WHEREAS**, since the adoption of such resolution, two typos have been noted in the resolution; and

**WHEREAS**, the correction of such typos does not change the effect of Resolution 73A-17.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that Resolution No. 73A-17 is amended as follows:

1. In the sixth “whereas” clause, the phrase “tax collector” shall be changed to “tax assessor” in order to note that Ms. Whitaker is being appointed to the position of tax assessor.
2. In the sixth “whereas” clause, the term “unexpired” shall be changed to “partial” in order to note that, because Mary Mastro was a tenured tax assessor, her term ended upon her retirement.

**Resolution No. 80-2017 – Reaffirming Bargaining Agent for Tax Assessor**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2017 as written below.*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 80-2017**

**RESOLUTION REAFFIRMING BARGAINING AGENT FOR TAX ASSESSOR**

**WHEREAS**, the Tax Assessor for the Township of Lebanon retired as of June 30, 2017; and

**WHEREAS**, the Tax Assessor position is a vital one, heavily regulated by the State of New Jersey, and must be filled in a timely manner or the State will appoint a Tax Assessor for the Township; and

**WHEREAS**, the Township initially contemplated entering into a Shared Services Agreement with another municipality to fill the position of Tax Assessor; and

**WHEREAS**, for various reasons, the Shared Services Agreement could not be consummated, but during the process of those negotiations a suitable candidate with the required certification and qualifications for the position of Tax Assessor was identified; and

**WHEREAS**, an Employment Agreement with that Tax Assessor was successfully negotiated and executed on July 7, 2017; and

**WHEREAS**, Local 1040, Communication Workers of America, AFL-CIO (“CWA”) is the bargaining unit for certain white- and blue-collar workers in the Township of Lebanon, including the Tax Assessor position; and

**WHEREAS**, the CWA reviewed the Employment Agreement between the Tax Assessor and the Township of Lebanon, dated July 7, 2017 and, after that review, requested the Township acknowledge the bargaining agent for the Tax Assessor position is the CWA; and

**WHEREAS**, the Township of Lebanon recognizes the CWA is the current bargaining agent for the Tax Assessor position; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Township of Lebanon reaffirms that Local 1040, Communication Workers of America, AFL-CIO is the current bargaining agent for the position of Tax Assessor in the Township of Lebanon.

**Resolution No. 81-2017 – Supporting a TWA Application**

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2017 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 81-2017  
RESOLUTION IN SUPPORT OF TWA APPLICATION**

WHEREAS, the State of NJ, Division of Property Management and Construction, manages a property in Lebanon Township known as Block 11, Lot 37;

WHEREAS, certain issues exist with respect to septic conditions on the property; and

WHEREAS, the Property Owner has requested that the Township express its support by authorizing a Statement of Consent that authorizes certain improvements to the septic system in order to cure the concerns on the property, and

WHEREAS, the Township supports efforts of the Property Owner to improve the septic system.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, hereby authorizes the Mayor and Clerk to execute the Statement of Consent for a Treatment Works Approval Application submitted by the Division of Property Management & Construction, to the Department of Environmental Protection.

**OLD BUSINESS**

**NJWSA Maintenance and Management Agreement**

The Mayor said that he sent the Agreement to the EOSC Chairman but he has not heard back from him. He believes that the Chairman is waiting to discuss the Agreement at the next EOSC meeting. The Agreement will be on the Committee's August 16, 2017 meeting agenda again for consideration.

**Museum Addition Bids - Rebid**

The Bid dates have been revised in the re-bid packet, as stated at the July 19, 2017 meeting. The bids will be released tomorrow and published in the newspaper as soon as possible.

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved the release of the bids (re-bid) for the Museum Addition based on the new dates. AYES: Koehler, Laul, Schmidt, McKee NAYS: Wunder*

**NEW BUSINESS**

**Larry and Gretchen Witt Request – 31 Hoffman's Crossing Road**

A letter was received from Larry and Gretchen Witt. They would like to put lighted piers on their property but they will be placed in the Township's right of way. There is an existing fence in the right

of way also; therefore, the Witt's are seeking for approval for such likewise. The Mayor has received differing advice on whether the Township Committee or the Board of Adjustment would consider the request for approval. If the request goes to the Board of Adjustment and approval is granted, certain items need to be added to the resolution regarding utility companies needing to perform work in the right of way. Also, a Hold Harmless should also be obtained just in case the piers or fence are damaged by the Township's DPW, during snow removal, or by a personal vehicle.

Attorney St. Angleo will draft a form of resolution directing the applicants to the Board of Adjustment for the Committee to consider at the next meeting.

### **Raffle License Application – Voorhees Viking Booster Club, Inc.**

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for the Voorhees Viking Booster Club, Inc. to be held on various days.*

### **NJ Dept of Agriculture – Gypsy Moth Survey**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Department of Agriculture to conduct a Gypsy Moth survey in the Township.*

### **Recycling Coordinator JoAnn Fascenelli Memo – Electronics Collection Event**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved an Electronics Collection Event to be held on October 14, 2017. The Recycling Coordinator may accept the proposal received with the best price.*

### **DPW Manager Memo – Request to Purchase a Liquid Dispensing System**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's July 12, 2017 request to purchase a Liquid Dispensing System from Reed Systems LTD in the amount of \$13,623.00.*

The purchase will be made through the Bergen County Coop. The CFO has certified that the cost for the Dispensing System will be funded through the Capital Ordinance No. 2017-04.

### **DPW Manager Memo- Request to Purchase 3 Tailgate Spray Systems**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's July 12, 2017 request to purchase 3 Tailgate Spray Systems from Reed Systems LTD at a cost of \$2674.00 each, totaling \$8022.00.*

The purchase will be made through the Bergen County Coop. The CFO has certified that the cost for the Dispensing System will be funded through the Capital Ordinance 2017-04.

### **Food Pantry Parking Area**

Mr. Wunder asked if the DPW can smooth out the parking area at the Food Pantry location. It is difficult for the patrons to maneuver wheel chairs and shopping carts due to a rough surface. Mr. Wunder has the contract information for a person to call, from the State, as the Pantry is located on State property.

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to level out the parking lot at the Food Pantry location.*

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the August 2, 2017 bill list, in amount of \$ 26,310.47.*

### **CORRESPONDENCE**

- a. LT Recreation Commission 06/01/2017 Meeting Minutes
- b. LT Historians May 11, 2017 Meeting Minutes
- c. North Hunterdon Community Food Pantry – Thank you!

### **PUBLIC COMMENTS**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:46 p.m.*

Mr. Ron Milkowski asked if anything is being done with the Ash Trees in the Township. The Mayor is working on the matter.

Mr. Ron Milkowski stated that it is nice to help out the Food Pantry, by leveling the parking area, but it could be a liability if someone were to get hurt. Mr. Milkowski suggested having a Hold Harmless Agreement.

Mr. Victor Hoffman questioned why the Committee is willing to go onto State property to fix the parking area but are not willing to put dirt at the Library to keep water from running onto the property.

Mr. Hoffman asked if the approvals for the Witt's would allow them to have the fence and piers. Mayor Laul said that it would because the fence and the piers are both part of their request.

Mr. Gary Milkowski said that he donated and placed stone in the parking lot of the Food Pantry to correct a sink hole that developed after installing a sewer or water line. He is concerned that he may now be liable if someone were to get hurt in the parking lot.



Mr. Gary Milkowski asked Attorney St. Angelo if the minutes should show what is said at a meeting. Attorney St. Angelo said that the minutes should be a summary of what occurred at the meeting unless someone asks for an exact quote to be added.

Mr. Gary Milkowski said that if someone is going to put in a fence the residents need to be sure that they follow the rules and regulations in doing so.

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:56 p.m.*

## EXECUTIVE SESSION

### Resolution No. 82-2017 –Executive Session

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2017 and convened in executive session at 8:00 p.m.*

It is anticipated that action may be taken when the Public Meeting is reconvened.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 82-2017  
RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss

the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

\_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

\_\_\_\_\_); **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: **NHVRHS District for certain matters.**

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

privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Township Committee reconvened the public meeting at 8:45 p.m.

*Motion by Mayor Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized that the Library will be closed until August 9<sup>th</sup> and for employees to be paid for the time that they were scheduled to work.*

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. McKee, seconded by Mr. Wunder, and carried by unanimous favorable roll call vote, to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: August 16, 2017

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Marc Laul, Mayor