

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
August 7, 2019**

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 the two soldiers who lost their lives in Afghanistan and for all first responders, Police, Fire and EMS.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, CFO Greg Della Pia, Clerk Karen Sandorse and 105 members of the public.

APPRECIATION

Mayor Schmidt thanked the Lebanon Township School District and the Custodial Staff for the use of the PAC for tonight’s meeting and for setting up the room.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meetings of July 17, 2019

Motion by Mr. McKee, 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 July 17, 2019.

MAYORAL REMARKS

The Mayor stated that he wanted to provide a description of a Business Administrator, the process followed and to get the facts in order for the meeting. Mayor Schmidt provided the definition of a Business Administrator as defined by the Professional Association of Administrators. Mayor Schmidt said that an Administrator will be part of the day to day management that runs the Township's Government and there is no change in the form of Government.

The Mayor provided a summary of the potential Shared Services Agreement with Tewksbury Township and how it came to be.

Mr. Wunder stated his thoughts and opinions on the Township's need for an Administrator.

Ms. Koehler provided her thoughts on the appointment of an Administrator. Ms. Koehler encouraged the Committee to vote "yes" to the agenda item that will place a referendum on the November ballot seeking input from the taxpayers on the subject matter.

Ms. Koehler moved, Mr. Wunder seconded motion to reorganize the agenda to place all items regarding the appointment of the Administer in sequence. AYES: Wunder and Koehler, NAYS: Laul, McKee, Schmidt Motion failed.

PUBLIC COMMENTS – for agenda items only.

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

Eighteen members of the public stated their opinions, pros and cons, for the appointment of the Administrator.

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

ORDINANCES

Public Hearing

The Committee gave their thoughts on the hiring of the administrator.

Ordinance No. 2019-06 – Creating the Office of Administrator of the Township of Lebanon

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-06 was opened.

Sixteen members of the public commented on the ordinance.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-06 was closed.

Motion by Mr. McKee, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2019-06 as written below. AYES: Laul, Schmidt, McKee NAYS: Wunder, Koehler

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2019-06
AN ORDINANCE CREATING THE OFFICE
OF ADMINISTRATOR OF THE TOWNSHIP OF LEBANON,
PRESCRIBING THE TERM AND DUTIES THEREOF,
AND PROVIDING FOR APPOINTMENTS THERETO
AND COMPENSATION THEREFORE

WHEREAS, throughout New Jersey the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and

WHEREAS, in order to provide assistance to elected officials in ensuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization it is necessary to create the position of Township Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Township of Lebanon, County of Hunterdon, State of New Jersey that the Administrative Code of the Township of Lebanon is hereby supplemented by the following Article:

ARTICLE XX: TOWNSHIP ADMINISTRATOR

SECTION 1. CREATION OF THE POSITION

Pursuant to N.J.S.A. 40A:9-136, et. seq., there is hereby created the Office of Township Administrator to serve at the pleasure of the Governing Body and to perform those duties as set forth in the statutes of the State of New Jersey and this Article.

SECTION 2. APPOINTMENT

The Township Administrator shall be appointed by a majority vote of the Township Committee or via the adoption of a Shared Service Agreement for the services of a Township Administrator approved by a majority vote of the Township Committee. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Township Administrator.

SECTION 3. QUALIFICATIONS

A. The appointment of a Township Administrator shall be solely based on the administrative qualifications of the appointee, with special regard as to the appointee's education, training and actual experience in governmental affairs.

B. No elected member of the Governing Body shall be eligible for appointment as Township Administrator during the member's term of office nor within one year after the expiration of said term.

C. The person appointed to the Office of Township Administrator need not be a resident of the Township at the time of their appointment and may reside outside the municipality if agreed to by the Township Committee.

SECTION 4. TERM OF OFFICE

The Township Administrator shall serve at the pleasure of the Township Committee. During such term, the Administrator shall be subject to periodic review and evaluation of performance.

SECTION 5. REMOVAL

A. The Township Administrator, if appointed directly by the Township Committee, may be removed by a 2/3 vote of the Governing Body. The Resolution of Removal shall become effective 3 months after its adoption by the Governing Body. However, the Governing Body may provide that the Resolution have immediate effect, in which case, the Administrator shall be paid forthwith any unpaid balance of the Administrator's salary and the Administrator's salary for the next 3 calendar months following adoption of the Resolution.

B. The Township Committee by way of majority vote shall be entitled to terminate the Shared Service Agreement for the position of Administrator in accordance with the terms of said agreement.

SECTION 6. TEMPORARY APPOINTMENT DURING ABSENCE OR DISABILITY

During any approved absence or disability of the Township Administrator, the Township Committee may, by resolution, appoint another individual or any employee or officer of the Township to temporarily perform the duties and responsibilities of the Township Administrator. After three (3) months of such absence or disability, the position may be deemed vacant upon adoption of a resolution of the Township Committee. Compensation, if any, for duties performed for an appointment under this section will be determined by the Township Committee. Section 2 of this Ordinance shall not apply to any appointment made pursuant to this Section. No current member of the Township Committee shall be eligible to serve under this provision.

SECTION 7. COMPENSATION

The Township Administrator shall receive such compensation as shall be prescribed by annual salary resolution or ordinance of the Township Committee. The Township Administrator shall be reimbursed as prescribed in Township policies for all reasonable expenses incurred in the performance of the office.

SECTION 8. DUTIES AND RESPONSIBILITIES

The Township Administrator shall act as the Chief Administrative Officer of the Township. Duties shall include the development of rules and regulations for administrative procedures governing purchasing practices, operation of all departments, personnel management and general coordination of departments, offices, boards (including, but not limited to, the Planning Board, the Zoning Board of Adjustment and the Board of Health and agencies, including volunteer Committees and Commissions, of the municipality, all for the purpose of increasing the effectiveness and efficiency of the municipal government and promoting its economic operation. All rules and regulations promulgated and implemented by the Township Administrator shall be approved by the Township Committee and shall become Township organizational policy unless specifically amended or rescinded by the Township Committee.

The Township Administrator shall perform the duties hereinafter enumerated and such other duties as may be assigned by the Township Committee.

The Township Administrator shall report annually to the Township Committee on the progress of each department; shall initiate goals and objectives to be reviewed on an annual basis

with special emphasis on critical problems and deterrents to the achievement thereof.

The Township Administrator shall be responsible for the organization and management of the work, personnel and programs in all departments; for the development and operation of a personnel program for all employees; and the Administrator shall be accountable for the planning, organization, delegation, staffing, operation control, evaluation and correction in all departments to achieve maximum results.

The Township Administrator is given broad authority with the approval of the Township Committee to combine or eliminate functions, to redesign and reorganize work effort and to assign personnel through department heads to achieve maximum productivity.

The Township Administrator shall make assessments of municipal programs and operations reporting to the Township Committee on the findings, setting forth a remediation action plan if necessary or required changes in Township ordinances and procedures.

SUBSECTION 8.1 PERSONNEL

The Township Administrator shall:

- a) Supervise all personnel of the Township through the respective department heads unless otherwise provided for by law or this ordinance.
- b) Advise the Township Committee on all matters of personnel administration and organization and through department heads assign personnel to the performance of all duties in all departments.
- c) Study, recommend, implement and enforce personnel organization and policy of the Township and implement personnel leave policies as established by the Township Committee for all departments, except as otherwise provided by law for Police and Fire Departments.
- d) Maintain comprehensive personnel files and evaluation systems of job performance and duties.
- e) Administer and negotiate on behalf of the Township all labor contracts.
- f) Serve as the personnel officer of the Township with the authority to evaluate, transfer, discipline all employees to the extent not prohibited by law or provided for elsewhere in the ordinances of the Township.
- g) Investigate the affairs of any employee, officer, department, agency or authority of the Township when necessary or when directed by the Township Committee and submit a report relating thereto.

SUBSECTION 8.2 BUDGET

The Township Administrator shall coordinate with the Chief Financial Officer to:

- a) Prepare the temporary budget for presentation in accordance with State statutes
- b) Prepare the annual capital and operating budget to be presented to the Township Committee for adoption. In preparing these budgets, the Administrator or an officer designated by the Administrator shall obtain from the head of each department, committee, board, commission, agency, officer or authority estimates of anticipated expenditures and supporting data as requested.
- c) Prepare and compile budget studies, analysis and schedules; assist in the conduct of public, departmental, board, committee, and commission budget hearings; and in conjunction with the Chief Financial Officer, shall assist the Township Committee in such manner as they shall require in the review of and

adoption of the annual budget.

D) Prepare and submit to the Township Committee an explanatory budget message, including a comparison of prior year's revenues, appropriations and expenditures as well as an analysis of the proposed revenues and expenditures.

SUBSECTION 8.3 FISCAL AFFAIRS

The Township Administrator shall:

- a) Upon the adoption of the budget, ensure that current accounts of the expenditures shall be kept on a monthly basis based upon the supplemental detail of the adopted budget.
- b) Administer the budget after its adoption by the governing body; shall maintain a continuing review and analysis of the budget operation; work progress and costs of municipal services; and shall assess the attainment of the Township's budget and service goals, reporting the same regularly to the Township Committee.
- c) See that all money owed the Township is promptly paid, and that proper proceedings are taken for the security and collection of all Township claims.
- d) Study, recommend, implement, and enforce the financial procedures and policy of the Township and its departments, after consultation with department heads and approval of the governing body.
- e) Supervise the disbursement of all Township funds and review all purchases, vouchers and bills before submitting same to the Township Committee for final approval.
- f) Be responsible for the cash needs of the Township and for the conduct of a sound investment and debt management program subject to governing body policy and report such actions and results to the governing body semi-annually or more frequently when directed.

SUBSECTION 8.4 COLLECTIVE BARGAINING AND EMPLOYEE CONTRACTS

The Township Administrator shall be responsible for the negotiation of collective bargaining contracts with agencies representing Township employees, subject to the approval of the Township Committee, and for the administration and enforcement of such contracts and the Personnel Policies and Procedures of the Township.

SUBSECTION 8.5 CONTRACTS

The Township Administrator shall:

- a) See that the provisions of all franchises, leases, permits and privileges granted by the Township are complied with and provide periodic reports of said compliance upon request.
- b) Negotiate contracts for the Township upon request of the governing body and subject to the approval of the governing body.
- c) Attend to the letting of contracts, in due form of law and supervise their performance and faithful execution except insofar as such duties are expressly imposed upon some other Township officer or official by statute.
- d) See that all terms and conditions imposed in favor of the Township or its inhabitants in any statute, public utility, franchise or other contract are faithfully kept and performed, and upon knowledge of any violations, call the same to the attention of the Township Committee.
- e) Advise the Township Committee if professional or other outside resources should be utilized.

SUBSECTION 8.6 GRANTS

The Township Administrator shall be responsible for researching, initiating action for, applying for and supervising the implementation of funding grants from various sources for the improvement and development of Township capital projects and needs as well as for services to the Township and its residents.

SUBSECTION 8.7 ADMINISTRATION

The Township Administrator shall:

- a) Study the governmental and administrative operations and needs of the Township and prepare and recommend to the governing body necessary and desirable plans and programs to meet present and foreseeable needs.
- b) Develop, prescribe and enforce rules and regulations for the efficient management of the Township for the avoidance of any duplication or overlapping effort among the departments or among the units within a department, and for the improvement of methods and procedures of administration.
- c) Integrate and coordinate the functions of all departments, Boards, Agencies, Offices and Officials, and also maintain liaison with the Boards of Education, including the local and regional High School Boards. The Administrator shall be responsible for continually improving communications among the various Township personnel, departments, agencies, boards and the governing body as well as communications with residents.
- d) Recommend the employment of experts and consultants to perform work and render advice in connection with Township projects or services.
- e) Make recommendations which may increase the efficiency of the operation of the Township.
- f) Continually review and supervise the Township's insurance program.
- g) Be responsible for the overall supervision and maintenance of real property owned by the Township, except as modified through delegation by the governing body or ordinance to autonomous boards or commissions.
- h) Assign office space, furniture, telephone, computer and similar facilities, and other Township resources among and within departments.

SUBSECTION 8.8 COMMUNICATION AND COMPLAINTS

The Township Administrator shall:

- a) Study, recommend, implement and enforce procedures and policy of the Township and its departments for receipt, dissemination and collation of responses to communications and requests for information, after consultation with department heads and receive, distribute and follow up requests for information and complaints from citizens and keep the Township Committee informed on such matters.
- b) The Administrator or an officer designated by the Administrator shall investigate and dispose of such complaints and the Administrator shall keep written record of such complaints and when and what action was taken in response thereto and provide the governing body a copy thereof when requested to do so.

- c) Oversee the electronic communications of the Township with residents.

SUBSECTION 8.9 PUBLIC IMPROVEMENTS

The Township Administrator shall make recommendations concerning the nature and location of public improvements and coordinate and expedite the execution of public improvements authorized by the Township Committee.

SUBSECTION 8.10 OTHER DUTIES

The Township Administrator shall:

- a) Represent the Township and assert its proper interests in relation to Federal, State, County and other political subdivisions, and with respect to Township contracts, franchises and interests.
- b) Monitor and evaluate State and Federal legislation as to its impact on the Township with recommendations for actions by the Township Committee. The Administrator must be prepared to testify on behalf of the Township on issues affecting the community on behalf of the governing body.
- c) Attend all regular and work session meetings of the governing body, with the right to speak but not vote on agenda items and attend other meetings as directed by the governing body. The Administrator shall receive notice of and may attend and participate in all regular and special meetings of the governing body and all advisory committees, boards, commissions, and other agencies of the Township.
- d) Keep the governing body informed as to the conduct of the Township affairs; submit periodic reports, either in writing or orally, on the condition of the Township finances; and shall submit other reports, either in writing or orally, as deemed advisable or as the governing body shall request; and shall make recommendations to the governing body necessary and advisable for the welfare and safety of the Township .
- e) Submit to the governing body as soon as possible after the close of the fiscal year, a complete written report of the administrative activities of the Township for the preceding year.
- f) Implement all policies formulated by the Township Committee unless specifically directed otherwise by a formal action of the governing body.
- g) Advise the Township Committee on all background matters as an aid to the creation of policy and recommend to the governing body adoption such measures as may be deemed necessary or expedient.
- h) Follow up acts of the Township Committee by correspondence, review of minutes and personal conferences.
- i) Develop and enforce sound purchasing and personnel practices and procedures for all departments, offices and agencies of the Township and assist the governing body in making of policy decisions which relate to the Township's physical development.
- j) Coordinate the volunteer Committees and Commissions of the Township to assist each in following the policies and procedures of the Township.

SECTION 9. DEROGATION OF POWERS

Nothing in this chapter shall derogate from or authorize the Township Administrator to exercise powers of the elected officials of the municipality.

SECTION 10. BOND

The Township Administrator shall furnish a surety bond to be approved by the governing

body, said bond to be conditioned upon the faithful performance of duties. The premium of said bond shall be paid by the Township.

SECTION 11. SHORT TITLE

This ordinance shall be known and may be cited as “the Township Administrator Ordinance.”

SECTION 12. SEVERABILITY CLAUSE

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 13. REPEAL OF INCONSISTENCIES

All ordinances or parts of ordinances or resolution inconsistent with the provisions of this ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 14. EFFECTIVE DATE

This ordinance shall take effect immediately upon publication and final passage pursuant to law.

RESOLUTIONS

Resolution No. 65-2019 –Wastewater Management (Carried from 7/17/19 Meeting)

Motion by Mr. McKee, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Resolution No. 65-2019 as written below. AYES: Laul, Koehler, McKee, Schmidt ABSTAIN: Wunder

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 65-2019

A RESOLUTION FOR AUTHORIZATION FOR SUBMISSION OF THE LEBANON TOWNSHIP CHAPTER OF THE HUNTERDON COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.A.C. 7:15-3.5(G)6

WHEREAS, the Highlands Water Protection and Planning Council ("Highlands Council") has prepared a Wastewater Management Plan (WMP) for Lebanon Township that complies with the 2016 Water Quality Management Plan (WQMP) rules pursuant to N.J.A.C. 7:15, Subchapter 3;
WHEREAS, Lebanon Township is located in the Highlands Region with land lying in both the Planning and Preservation Areas;
WHEREAS, each county and municipality in the State of New Jersey shall be subject to a Wastewater Management Plan (WMP) adopted by the New Jersey Department of Environmental Protection;
WHEREAS, the 2019 WMP is consistent with the Plan Conformance petition approved by the Highlands Council as well as the Regional Master Plan;

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WHEREAS, the Hunterdon County Board of Chosen Freeholders has become the County Wastewater Management Planning Agency;

WHEREAS, the Governing Body of Lebanon Township, Hunterdon County, State of New Jersey has reviewed the draft WMP.

NOW, THEREFORE BE IT RESOLVED that the Governing Body consents to the submission of the Lebanon Township Chapter of the Hunterdon County WMP to the New Jersey Department of Environmental Protection for review and adoption as required by the 2016 Water Quality Management Plan rules.

Resolution No. 70-2019 –Approving Emergency Operations Plan

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 70-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 70-2019
EMERGENCY OPERATIONS PLAN

WHEREAS, the Township of Lebanon is required to have an Emergency Operations Plan to provide for actions to be taken to mitigate, prepare for, respond to and recover from the effects of an emergency; and

WHEREAS, the Lebanon Township Office of Emergency Management has updated the plan in 2019 for submission to the Hunterdon County Office of Emergency Management and the New Jersey Office of Emergency Management.

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon approves the Lebanon Township Emergency Operations Plan.

Resolution No. 71-2019 –Appointment of SLEO Officers

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 71-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 71-2019
AUTHORIZING THE APPOINTMENT OF FOUR PART-TIME CLASS III SPECIAL LAW
ENFORCEMENT OFFICERS

WHEREAS, the Township of Lebanon wishes to employ four part-time Class III Special Law Enforcement Officers; and

WHEREAS, the Police Chief recommends that Thomas A. Perna, Douglas G. Moyle, Gerard Clyne and Timothy Thomas Hale be appointed as a part-time Class III Special Law Enforcement Officers at an hourly rate of \$30.00, with no benefits; and

WHEREAS, Thomas A. Perna, Douglas G. Moyle, Gerard Clyne and Timothy Thomas Hale shall serve for the 2019-2020 school year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that Thomas A. Perna, Douglas G. Moyle, Gerard Clyne and Timothy Thomas Hale are appointed as Part-time Class III Special Law Enforcement Officers.

Resolution No. 72-2019 - Bond Anticipation Note

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 72-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 72-2019

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$2,201,484 BOND ANTICIPATION NOTE, DATED JULY 26, 2019, PAYABLE JULY 24, 2020, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$2,201,484 bond anticipation note, dated July 26, 2019 and payable July 24, 2020 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2019.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2019.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b) (3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution

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to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2019 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Resolution No. 73-2019 –Authorizing Open Space Ballot Question

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 73-2019 as written below.

RESOLUTION NO. 73-2019
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, in 2001 the voters of Lebanon Township approved the establishment of an open space tax levy, which currently is \$0.01 per \$100 of assessed value, and an Open Space Trust Fund; and

WHEREAS, N.J.S.A 40:12-15.7 provides for seven (7) purposes for which the Open Space funds may potentially be used, including use as matching funds for grants for the provided purposes; and

WHEREAS, the Township administrative code section 67, established by the initial voter referendum and modified by referendum in 2011, provides for four (4) of the seven (7) potential spending purposes provided by the State Statute, specifically (a) acquisition of lands for recreation and conservation, (b) maintenance of lands acquired for recreation and conservation purposes, (c) acquisition of farmland for farmland preservation, and (d) the payment of debt service on the indebtedness incurred by the Township in acquiring open space properties; and

WHEREAS, N.J.S.A. 40:12-15.7(a) provides that, if authorized by the voters, money raised through the open space tax levy can also potentially be used for (e) development of lands acquired for recreation and conservation purposes, and (f) historic preservation of historic properties or the acquisition of historic properties, and (g) Blue Acres projects in addition to the purposes already authorized by Township voters; and

WHEREAS, the Township Committee believes that the Township's existing open space property and potential future investment and matching grant applications will be preserved and enhanced through the potential use of open space funds for development of lands acquired for recreation and conservation purposes and historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes and Blue Acres projects.

NOW, THEREFORE, BE IT RESOLVED by the township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township Committee hereby directs the Hunterdon County Clerk to place the following Question and Interpretive Statement on the November 2019 General Election ballot as a binding referendum:

In addition to the currently approved uses of the Lebanon Township Open Space Tax Levy, which are:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) maintenance of lands acquired for recreation and conservation purposes;
- (c) acquisition of farmland for farmland preservation purposes;

(d) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), or (c), of this paragraph; Shall Lebanon Township be authorized to use the Lebanon Township Open Space Tax Levy for the following purposes:

- (e) development of lands acquired for recreation and conservation purposes;
 - (f) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation; or
 - (g) Blue Acres projects
- and payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (e), (f), or (g) of this paragraph.

YES _____
 NO _____

Interpretive Statement:

The purpose of this referendum is to determine whether or not the Municipal Open Space Tax and Trust Fund may be used for all seven (7) purposes allowed by New Jersey State Statute. The Municipal Code currently authorizes use for four (4) of the seven (7) allowed purposes listed as (a) – (d) above, and the additional purposes to be added by this referendum are listed above as (e) development of open space lands for recreation, (f) historic preservation, and (g) Blue Acres projects as well as payment of debt service for the additional purposes (e) – (g). This referendum does not change the amount of Open Space Tax to be collected by the Township.

August 7, 2019

Resolution No. 74-2019 - Non-Binding Referendum for 11/5/19 Ballot
Create, Staff and Fund Position of Township Administrator

Ms. Koehler said that she would like to give the people a voice in the hiring of an Administrator through a Referendum. Discussion was held.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee amended the three following points in the Interpretive Statement: “intends to create”, changed to “has created”, the “3-year period” is to be amended to read “40 months” and the estimated cost of “\$68,000” is amended to “\$75,000”.

Ms. Koehler moved, Mr. Wunder seconded motion to adopt Resolution No. 74-2019 as written below.
AYES: Wunder, Koehler **NAYS:** Laul, Schmidt, McKee **Motion failed.**

RESOLUTION NO. 74-2019
RESOLUTION FOR NON-BINDING REFERENDUM ON THE NOVEMBER 5TH 2019
BALLOT:
CREATING, STAFFING AND FUNDING
THE POSITION OF ADMINISTRATOR OF THE TOWNSHIP OF LEBANON

WHEREAS, throughout New Jersey the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and

WHEREAS, in order to provide assistance to elected officials in ensuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization; and WHEREAS, pursuant to N.J.S.A. 40A:9-136, et. seq., the governing body of any municipality by ordinance, may create the office of municipal administrator and delegate to the holder of the position of municipal administrator all or a portion of the executive responsibilities of the municipality; and

WHEREAS, shared services agreements between municipalities, where appropriate are encouraged for their cost-effectiveness; and

WHEREAS, the Lebanon Township Committee is considering creating the position of Township Administrator and staffing the position through a shared services agreement with the Township of Tewksbury, and to assign to the Township Administrator position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality; and

WHEREAS, the amount of hours and the total compensation including salary, benefits and expense reimbursements for the Administrator for the Township of Lebanon and the Township of Tewksbury will be established by, and equally shared between both municipalities, with the understanding that the proportion of hours spent between the two municipalities may vary from time to time, but will average out equally in general, for the term of the agreement; and

WHEREAS, the Township Administrator shall serve at the pleasure of the Township Committee in compliance with the conditions of the three year term of the shared services agreement, and the Township Administrator will be subject to periodic review and evaluation of performance; and

WHEREAS, the Township Committee of the Township of Lebanon is seeking voter input for consideration in its decision to appoint a Township Administrator through a shared services agreement with the Township of Tewksbury and that the input for this initiative is by way of a non-binding referendum on the November 5th 2019 ballot.

NOW, THEREFORE LET IT BE RESOLVED that the following public question and interpretive statement shall appear on the November 5th 2019 ballot:

PUBLIC QUESTION #1 – NON-BINDING REFERENDUM TO CREATE, STAFF AND FUND THE POSITION OF TOWNSHIP ADMINISTRATOR OF THE TOWNSHIP OF LEBANON

Do you approve of the creation, staffing and funding of the Office of Township Administrator?
Yes_____ No_____

INTERPRETIVE STATEMENT

The position of Township Administrator has not existed in the Township of Lebanon, but NJ state statute gives the Township Committee the option of creating the position. The Lebanon Township Committee has created the position of Administrator and intends to staff the position through a 40-month shared services agreement with the Township of Tewksbury. Both

municipalities will have an equal say in the selection of the candidate for the position and will share equally in the hours, compensation and reimbursements of the Administrator. The Administrator would provide assistance to elected officials in ensuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization. Specific duties and responsibilities of the office of the Administrator can be found in Lebanon Township Ordinance 2019-06. The annual cost to Lebanon Township for the shared Administrator is anticipated not to exceed \$75,000 in year one of a three-year term.

**Resolution No. 75-2019 – Entering into a Shared Services Agreement with
Tewksbury Twp. for Business Administrator**

Ms. Koehler raised questions and concerns regarding the Shared Services Agreement. Discussion was held.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a modification, at the bottom of page three to read; “services will cost each party \$75,000”. AYES: Laul, McKee, Schmidt NAYS: Wunder, Koehler

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 75-2019, as written below. AYES: Laul, McKee, Schmidt NAYS: Wunder, Koehler

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 75-2019
RESOLUTION OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF TEWKSBURY AND THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW
JERSEY PURSUANT TO N.J.S.A. 40A:65-1, et seq.

WHEREAS, pursuant to N.J.S.A. 40A:9-136, the Township is permitted to have a Business Administrator, but that same may be provided by an Agreement with another municipality; and

WHEREAS, the Township of Tewksbury has agreed to furnish the services of its Business Administrator pursuant to N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, the Township has agreed to enter into a Shared Services Agreement with Tewksbury Township for the hiring of a Business Administrator; and

LTCM

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Township of Lebanon hereby authorizes Tewksbury Township to provide the services of a Business Administrator as set forth in the Shared Services Agreement (Attached hereto as Exhibit A); and,

IT IS FURTHER RESOLVED, that the Mayor and the Clerk are authorized to sign the Shared Services Agreement.

OLD BUSINESS

Humanities Incubation Grant – Matching Funds – In-Kind Services

Mayor Schmidt stated that the Committee had approved an application for the Humanities Incubation Grant. In between the time of application and the grant deadline, a \$5000 match of \$2500 in cash and \$2500 in-kind services was inserted in the grant application. The match was not approved by the Township Committee so the Committee now needs to decide if they would like to match the \$5000.

Motion by Mr. McKee seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved moving forward with the Humanities Incubation Grant with in-kind services only, at \$2500.

Schedule Special Meeting with Executive Session – 08/21/2019 - 6:00 p.m.

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the scheduling of a Special Meeting to be held on 8/21/2019 at 6:00 p.m. The subject matter is Pending or Possible Litigation and Attorney Client Privilege.

EMS Certification

Mayor Schmidt stated that the Fire Department has hired per diem EMS personnel. The Fire Department has been handling all EMS calls since July 1, 2019 when the contract with High Bridge expired. The Fire Department was waiting for final certification of the ambulances which they finally received approximately 10 days ago. The EMS has done a great job and are now operating and billing for the services they provide.

Josh Rich- Old Red School House

Mr. McKee stated that Josh Rich has started to repair the Old Red School House on East Hill Road. Mr. McKee said that it is wonderful to have Josh in the Community.

NEW BUSINESS

Shared Services Agreement with NHVRHS District/School Resource Officer

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Shared Services Agreement with the NHVRHS for a Resource Officer and authorized the Mayor to sign.

Municipal Housing Liaison – Rehabilitation Application

The Committee and public were informed that a Rehabilitation Application is being processed, but no action is required at this time.

Request to Hunterdon County for Placement of Gates on Hollow Brook Road

Ms. Koehler stated that she, the Mayor, and the DPW Manager went to view the dirt section of Hollow Brook Road. The DPW Manager has requested that gates be placed at both ends of the dirt section, to be closed by the DPW or Police, during a bad weather event or a downed tree.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the letter drafted by Ms. Koehler to be sent to the County regarding the placement of Gates on Hollow Brook Road.

LT Park Committee Request to Land State Police Helicopter in the Park - 09/28/2019

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Park Committee to land the State Police helicopter in the Park for the Fall Fest, 9/28/2019.

Catering Permit – Summerlands Inc – Event Date - September 1, 2019- Born to Run Farm

Motion by Mr. Wunder, seconded by Mr. Laul, and carried by unanimous favorable roll call vote, the Township Committee approved a Catering Permit for Summerlands, Inc., for an event to be held on September 1, 2019 at the Born to Run Farm, contingent upon the Police Chief's approval.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the August 7, 2019 bill list, in the amount of \$925,743.76.

CORRESPONDENCE

- a. Animal Control Officer July 2019 Report
- b. Upcoming Events at the Museum
- c. Curators Report

PUBLIC COMMENTS

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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 9:51 p.m.

Six members of the public provided the Committee with their thoughts, for and against, the hiring of an Administrator.

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 at 10:07 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 10:08 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 4, 2019

Mike Schmidt, Mayor