

**Meeting audio can be found at [lebanontownship.net](http://lebanontownship.net).**

**Lebanon Township Committee  
December 2, 2020**

**Minutes of Regular Meeting**

**CALL TO ORDER**

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

**FLAG SALUTE**

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of First Responders, Health Care Heroes and Servicemen and Woman.

**ROLL CALL**

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

Also Present - Attorney Matt Lyons, Administrator James Barberio  
Clerk Karen Sandorse (via telecom)  
Sergeant Jason Cronce present for Police Officer Promotion

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Meetings of November 4, 2020**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session Meetings of November 4, 2020.*

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

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

There were no comments from the public.

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

## **POLICE OFFICER PROMOTION**

Sergeant Cronce informed the Committee that Officer Hayden Lechner has successfully completed the Police Academy Training. Sergeant Cronce gave accolades to Officer Lechner and said that he is an asset to the Department.

Mayor Schmidt administered the Oath of Office to Officer Lechner.

## **RESOLUTIONS**

### **Resolution No. 84-2020 - Shared Service Agreement for Municipal Court Services**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 84-2020 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 84-2020  
AUTHORIZING A SHARED SERVICES AGREEMENT  
FOR A SHARED MUNICIPAL COURT BETWEEN  
THE TOWNSHIP OF LEBANON AND THE TOWNSHIP OF CLINTON

WHEREAS, the Township of Lebanon and the Township of Clinton wish to enter into a Shared Services Agreement for a Shared Municipal Court effective January 1, 2021, to create a tax savings through the implementation of a Shared Municipal Court; and

WHEREAS, an agreement to enter into a shared service for municipalities is permitted under N.J.S.A. 40A:65-1, et seq., the Uniform Shared Services and Consolidation Act;” and

WHEREAS, N.J.S.A. 2B:12-1c, allows for the establishment of Shared Municipal Courts and provides that:

Two (2) or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts, and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

WHEREAS, the Township of Lebanon and the Township of Clinton have secured approval for the Shared Municipal Court pursuant to New Jersey Court Rule 1:33-4(a) (Exhibit “A”) which provides that “the Assignment Judge shall be the chief judicial officer within the vicinage and shall have plenary responsibility for the administration of all courts therein;” and

WHEREAS, the Township of Lebanon and the Township of Clinton will take those required steps to implement a Shared Municipal Court including complying with the requirements of the Assignment Judge and Municipal Court Services, including any checklist for the establishment of a Shared Municipal Court; and

WHEREAS, the Shared Services Agreement shall be for three (3) years and may be terminated by either party by providing written notice of termination at least 120 days prior to its expiration;

WHEREAS, the Township of Lebanon shall pay the Township of Clinton a fee of \$25,000 for calendar year 2021; \$25,500 for calendar year 2022; and \$26,100 for calendar year 2023, payable annually for in four equal installments on March 15, June 15, September 15 and December 15 of the year in question; and

WHEREAS, all Lebanon Township court-related revenues, including court costs and fines, forfeitures and other fees and interest revenues received shall be forwarded by the 15<sup>th</sup> day of each month as required by Rule 7:14-4 and other applicable State law. The only exception to this shall be any Public Defender fees assessed by the Judge against any defendants who ask for and receive Public Defender services, which fees shall be used by Clinton Township to help offset the cost of said Public Defender, as Clinton Township is solely responsible to pay 100% of the Public Defender's salary; and

WHEREAS, the Township desires to enter into the attached Shared Services Agreement for a Shared Municipal Court between the Township of Lebanon and the Township of Clinton substantially in the form attached subject to finalization by the Mayor, Township Administrator and Attorney, in order that the Shared Municipal Court becomes operational on January 1, 2021.

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

1. The Mayor and Clerk are hereby authorized to execute the attached Shared Services Agreement for a Shared Municipal Court between the Township of Lebanon and the Township of Clinton substantially in the form attached subject to finalization by the Mayor, Township Administrator and Attorney in order that the Shared Municipal Court becomes operational on January 1, 2021,
2. This Resolution shall take effect immediately.

**Resolution No. 85-2020 - Approving LOSAP Payments to Certain Lebanon Township Fire Company Members for the Qualified Year 2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 85-2020 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 85-2020  
APPROVING LOSAP PAYMENTS TO CERTAIN LEBANON TOWNSHIP FIRE  
COMPANY MEMBERS FOR THE QUALIFIED YEAR 2019

WHEREAS, Lebanon Township created a Length of Service Awards Program (LOSAP) for the volunteer members of the Lebanon Township Fire Company (the "Fire Company"), pursuant N.J.S.A. 40A:14-183, et seq.; and;

WHEREAS, the following members and former-members of the Fire Company are owed the LOSAP payment for the 2019 qualified year:

Brynildsen, Jessica	\$700.00
Cox, William	\$700.00
Cutri-French, William	\$700.00

Janes, Carsten,	\$700.00
Milkowski, Gary	\$700.00
Pek, Robert	\$700.00
Schlesinger, Sue	\$700.00
Sulpy, Brittany (maiden name Trawin)	\$700.00
Sulpy, David	\$700.00

WHEREAS, the total amount of LOSAP payments owed as set forth above is \$6,300.00; and

WHEREAS, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from the Fire Company to substantiate the information provided, and is satisfied that the list is complete and accurate.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that payment of the above referenced LOSAP contributions to the Township's LOSAP Plan Provider is approved in the amount of \$6,300.00.

## **OLD BUSINESS**

### **Administrator's Update**

Mr. Barberio stated that the Policy and Procedure manual is at the attorney's office for review. Mr. Barberio informed the Committee that after speaking to the Risk Management Consultant, the Ethics training will be held off until next year due to COVID.

Ms. Koehler stated that she and Mr. Gabriel met with RK Environmental to discuss remediation in the Municipal Office. One question raised was if the work falls under prevailing wage requirements. Attorney Lyons will look into. Ms. Koehler provided an overview of the inspection.

Mr. Barberio has reached out to sign companies and he will forward the quotes he received on Monday. Mr. Barberio said that he has also sent out requests for Non-Fair and Open documents for 2021 professional services.

Mr. Barberio said that relative to the Hazardous Mitigation Plan; he is coordinating with the OEM Director. He contacted Tetra Tech and they will be reaching out to Mr. McKee for a possible Zoom meeting to complete the mitigation reevaluation.

## **NEW BUSINESS**

### **Recreation Commission's Request to Appoint New Member**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee appointed Laramie Silber to the Recreation Commissions for a 5-year term ending 12/31/2025.*

**PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the December 2, 2020 bill list in the amount of \$88,833.94*

**CORRESPONDENCE**

- a. NJDOT – 2021 Municipal Aid Program Award – East Hill Road Resurfacing Project
- b. Tax Collector’s Report for the Month of October 2020
- c. Curator’s Report

**PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:28 p.m.*

Ms. Laurie Hoffman of Buffalo Hollow Road, asked how the records that are stored downstairs in the Municipal Office will be restored. She also made a comment on not being able to hear the Committee speaking during the telecom meetings.

*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 7:31 p.m.*

**EXECUTIVE SESSION - Resolution No. 86-2020**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Resolution No. 86-2020 and convened into executive session at 7:31 p.m. Action may be taken.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 86-2020**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

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

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

**WHEREAS**, the Mayor and Committee find it necessary to conduct an executive session

closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

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

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

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

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

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ 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;

\_\_\_\_\_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): 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; whereas 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 regular meeting reconvened at 8:10 p.m.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved the following motion as stated by Attorney Lyons.*

Whereas, the Township Committee retains management rights under Article 19 of the contract between the Township and the Blue and White Collar Units of the CWA. Pursuant to Subsection B therein having the ability to use judgement and discretion under these unprecedented times and working conditions due to COVID-19 and the issues it has caused to our work force. Be it resolved that Article 21, Section B, shall be revised to allow 15 days of time to be carried over into the following calendar year, up from the written 10 days. Be it further resolved; this shall also extend to employees whose contracts mirror the CWA. The Police may carry the equivalent of one work week for 2020 (vacation time) being rolled into 2021.

#### **Police Motion**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee promoted Hayden Lechner to Police Officer Class 8.*

#### **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 8:13 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: December 16, 2020

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Mike Schmidt, Mayor