

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
December 4, 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 our Servicemen and Women.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio, Clerk Karen Sandorse and 3 members of the public.

PRESENTATION OF MINUTES

Minutes of the Executive Session Meeting of November 6, 2019 - Tabled
Minutes of the Special and Executive Meeting of November 7, 2019 - Tabled
Minutes of the Special and Executive Meeting of November 14, 2019 - Tabled

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.

ORDINANCE

Public Hearing – Ordinance 2019-08

Mr. Wunder and Ms. Koehler raised questions on several items and Mayor Schmidt and Attorney Lyons provided clarifications. The Committee decided to make the following amendments.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee accepted the following changes to Ordinance 2019-08, Section 72-2 be revised, just below the title portion, to include (For members of PBA 386 and CWA 1040, see Section 72.5), Section 72-2-B be changed so that “option of receiving in lieu of” be changed to “option of receiving pay in lieu of”, with the second pay being excised, that all references to PBA Local 188 be revised to PBA Local 386 and that Section 72-6-A be revised so that it references Section 72-2-F.

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-08 was opened.

There were no comments from the public.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-08 was closed.

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2019-08 as written below. AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder

TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-08
AN ORDINANCE AMENDING CHAPER 72, OF THE CODE OF
THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update its Municipal Code pertaining to Personnel Policies to conform with the laws of the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Personnel Policies, is hereby amended and supplemented as follows:

[§ 72-1 Short title.](#)

This chapter shall be known and may be referred to by its short title, which is "The Salary Policy and Benefits Ordinance."

§ 72-2 Benefits.

(For Members of PBA 386 and CWA 1040, see § 72-5)

Full-time employees shall be entitled to the following benefits:

Full family coverage under the State Health Benefits Program at the tier provided under the CWA Contract and the associated Prescription Plan. The employee has the option to keep the base Plan or to choose a higher or lower tier plan, but must pay the additional premium or receive credit, as the case may be. The employee is responsible for a share of monthly premium and all deductibles and co-pays as described in the then currently applicable CWA Contract.

1. Employees who meet the requirement for opting out of this coverage who elect to opt out of this coverage shall be entitled to the maximum opt-out payment permitted by New Jersey law.
- A. Workers Compensation and Non-Work Disability benefits equal to the benefits provided in the then currently applicable CWA Contract, including all associated requirements (i.e., use of sick days or other leave) and employee costs.
- B. One week paid vacation after one year of service; two weeks paid vacation after two years of service; three weeks paid vacation after five years of service; and four weeks paid vacation after 10 years of service. Vacation leave shall accrue effective January 1st. An employee shall have the option of carrying over up to ten vacation days into the following year, but no further. An employee, who is a CWA member, shall also have the option of receiving pay, in lieu of vacation, in accordance with the then applicable CWA Contract. Employees who are not members of CWA, shall be entitled to receive pay in lieu of vacation to a maximum of one week.
- C. A maximum of ten days paid sick leave each year with the right to carry over up to 30 additional days of unused sick leave from prior years of service. Employees must submit a Doctor's Certification for three consecutive days of sick leave. Unused sick days have no cash value.
- D. Four personal days. Personal days have no cash value and cannot be carried forward.
- E. Bereavement days. Each employee shall be allowed time off, from the date of death until the day of burial (seven days maximum), in the event of the death of that employee's spouse or domestic partner, father, mother, grandfather, grandmother, son, daughter, brother, sister, grandchild, father-in-law, mother-in-law, son-in-law, or daughter-in-law. For an uncle, aunt, nephew, niece, brother-in-law, sister-in-law, or cousin of the first degree: the day of burial only.
- F. Paid holidays as per the then currently applicable CWA Contract: Presently, New Year's Day, New Year's Eve, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day (or any holiday created by renaming Columbus Day), Veteran's Day, Thanksgiving Day, Christmas Day, Christmas Eve, Martin Luther King's Birthday, Presidents Birthday and the day after Thanksgiving. Per the CWA Contract, if Christmas Eve or New Year's Eve falls on a Saturday or a Sunday, they will not be a paid holiday.

§ 72-3 Overtime pay and compensatory time off.

- A. The hourly employees other than police officers shall be paid 1 ½ times their hourly wage for any hours worked beyond eight hours in any single workday, or they may take compensatory time at a rate of 1 ½ times the hours worked, at the rate applicable at the time it is accrued.
- B. The non-exempt salaried employees other than police officers shall be entitled to

compensatory time off at the rate of 1 ½ times for each qualifying time or shall be paid 1 ½ times at the rate applicable at the time it is accrued, for any hours worked beyond 40 hours during a seven-day week. All accumulated compensatory time must be utilized before March 31st of the year following the year the compensatory time is accrued.

§ 72-4 Travel expenses.

With the exception of the Township Attorney and the Township Engineer, all officers and employees shall be paid an amount of money for travel in their own vehicles in connection with their official Township duties. Such amount shall be set at the rate set by the IRS. No travel reimbursement will be paid for travel within Hunterdon County or to or from an employee's residence to a destination within Hunterdon County.

§ 72-5 Collective Bargaining Units.

- A. PBA Local 386. Members of the PBA Local 386 shall be entitled to such benefits that are set forth in the contract between the Township of Lebanon and PBA. Benefits in that contract shall apply to all members of the PBA Local 386.
- B. CWA Local 1040. Members of the CWA Local 1040 shall be entitled to such benefits that are set forth in the contract between the Township of Lebanon and the CWA. Benefits in that contract shall apply to all members of the CWA Local 1040.

§ 72-6 Part-time employees.

All part-time employees shall be entitled to the following benefits:

- A. A paid holiday whenever a regularly scheduled workday coincides with one of the days set forth in § [72-2F](#).
- B. Sick Leave.
 - 1. Definitions.

- a. As used in this subsection, the following terms shall have the meanings indicated:

[PART-TIME EMPLOYEE](#)

A permanent employee that typically works less than 30 hours per week.

[SEASONAL EMPLOYEE](#)

An employee that is employed for 120 calendar days or less during the calendar year.

[SICK LEAVE](#)

Paid leave that may be granted to an employee for any of the reasons set forth in *N.J.S.A. 34:11D-1*:

- 1) Time needed for diagnosis, care or treatment of, or recovery from an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
 - 2) Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
 - 3) Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury

or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

- 4) Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
 - 5) Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.
- b. All other definitions set forth in *N.J.S.A. 34:11D-1* are incorporated herein by reference.
2. Part-time employees.
- a. Part-time employees shall receive one hour of sick leave for every 30 hours worked. Part-time employees not covered by a collective bargaining agreement are eligible for sick leave as set forth herein and to the extent required by *N.J.S.A. 34:11D-1*, et seq. Seasonal employees (i.e., those hired for less than 120 consecutive calendar days in one calendar year) are not eligible for sick leave.
 - b. Existing part-time employees shall begin accruing sick leave time on October 28, 2018, and shall be able to use earned sick time as soon as it is accrued in at least half-day increments. New part-time employees shall be eligible to use earned sick leave beginning on the 120th calendar day after the employee commences employment.
 - c. Part-time employees shall be permitted to carry forward sick leave hours from one benefit year to the next. However, each part-time employee shall not be permitted to accrue, use in one benefit year, or carry forward from one benefit year to the next, more than 40 hours of earned sick leave.
 - d. Part-time employees shall not be entitled to compensation for unused sick time upon retirement. An employee, whether part-time or full-time, who has been terminated or discharged shall not be entitled to payment for unused sick leave. Should an employee voluntarily sever their employment with the Township, or should they be terminated, they shall not receive monetary compensation for any unused sick time that they

have accrued.

§ 72-7 Effective date of benefits.

The compensation, benefits and reimbursement provisions hereof shall be effective on and after January 1, 1995.

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

Introduction – Ordinance 2019-09

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2019-09, on first reading, as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-09
AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE TOWNSHIP OF
LEBANON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, ENTITLED OPEN SPACE TRUST FUND

Public Hearing to be held on December 18, 2019

Introduction – Ordinance 2019-10

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2019-10, on first reading, as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-10
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE FOR THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND
MORE SPECIFICALLY CHAPTER 230 (HIGHLANDS), CHAPTER 330 (LAND
SUBDIVISION) AND CHAPTER 400 (ZONING) TO UPDATE STORMWATER
MANAGEMENT STANDARDS TO MEET HIGHLANDS PLAN CONFORMANCE.

Public Hearing to be held on December 18, 2019

RESOLUTIONS

Resolution No. 94-2019 – Redemption of Tax Sale Certificate

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 94-2019 as written below. AYES: Laul, Koehler, McKee, Schmidt ABSTAIN: Wunder

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 94-2019
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201611 on October 14th 2016 to Lebanon Township and,

WHEREAS the amount of \$545.00 has been collected from Laramie Silber, the new owner of this property, known as Block 69 Lot 6, Off Dutch Hill Road, Lebanon Township for the redemption of Tax Sale Certificate #201611,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$545.00.

Resolution No. 95-2019 – Open Public Records Act

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 95-2019 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY
STATE OF NEW JERSEY
RESOLUTION NO. 95-2019

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Township of Lebanon strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, Township of Lebanon has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Township of Lebanon received and responded to 131 OPRA requests in 2017, 121 OPRA requests in 2018, and to date has received and responded to 102 OPRA requests as of September 1, 2019; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, Township of Lebanon must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees, and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Township of Lebanon appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman John DiMaio, Assemblyman Erik Peterson, Senator Mike Doherty, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Resolution No. 96-2019 - Municipal Alliance – Grant Year: 2021

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 96-2019 as written below.

Township of Lebanon
County of Hunterdon
State of New Jersey
Resolution No. 96-2019
Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020 - June 2025

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the

faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Voorhees Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ <u>18,206.00</u>
Cash Match	\$ <u>4,551.50</u>
In-Kind	\$ <u>13,654.50</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Township Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

Resolution No. 97-2019 – Appointing a Risk Management Consultant

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 97-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 97-2019
STATEWIDE INSURANCE FUND

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Lebanon (hereinafter "LOCAL UNIT") has joined the Statewide Insurance Fund (hereinafter "FUND"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the FUND; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant

WHEREAS, the FUND has requested its members to appoint individuals or entities to that position; and

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

1. Township of Lebanon hereby appoints Groendyke Associates as its local Risk Management Consultant.
2. The Mayor, Township Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the fund year 2020 in the form attached hereto.

Resolution No. 98-2019 – Appointing a Fund Commissioner

Motion by Mr. Laul, seconded by Ms. Koehler carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 98-2019 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
RESOLUTION NO. 98-2019
APPOINT FUND COMMISSIONER

WHEREAS, the Township of Lebanon (hereinafter "Local Unit") is a member of the Statewide Insurance fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lebanon that James Barberio is hereby appointed as the Fund Commissioner for the Local Unit for the 2020 year; and

BE IT FURTHER RESOLVED that Karen Sandorse is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the 2020 year; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

OLD BUSINESS

DPW Floor Progress

Ms. Koehler stated that the DPW floor has been resurfaced and the defects have been repaired. The water flows properly to the drains, the floor has been sealed and the trucks have been on it. The project is 100% complete. Ms. Koehler noted that A-Tech Concrete was a pleasure to work with.

Library Storm Water

Mr. Wunder asked what the status is of the stormwater issue at the Library. Mayor Schmidt informed Mr. Wunder that the survey has been done and the DEP Permit application is in the process. Mayor Schmidt noted that in amending the Stormwater Ordinance it will enable the Township to receive Highlands funding for the preparation work for the project.

ADMINISTRATOR UPDATE

Mr. Barberio stated that the Clerk has received a Resolution from Holland Township to extend the QPA Shared Services Agreement in 2020.

Mr. Barberio stated that, regarding Aqua America and Pine Ridge Road snow removal, he spoke to the Project Manager for Aqua and was notified that they are not interested in snow removal services being provided by the Township. Mr. Barberio was notified by Aqua that they have an agreement with Little Brook Lane for the work. Mr. Barberio said that the Township is in the midst of finalizing the contract with Homestead and he will be reaching out to Aqua again.

Mr. Barberio said that he reviewed the proposed collective bargaining agreement with PBA Local 386 and will be speaking to the subcommittee about it.

Mr. Barberio is working on a purchasing manual for the Township

Mr. Barberio said that he has created a Request for Proposal Boilerplate package for the Township.

Mr. Barberio informed the Committee that, as Fund Commissioner, he will be working on a Policy and Procedure manual for the Township.

NEW BUSINESS

There was no new business.

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 18, 2019 bill list in the amount \$1,001,135.87.

CORRESPONDENCE

- a. LTEOS October 7, 2019 Meeting Minutes
- b. Recreation Commission October 3, 2019 Meeting Minutes
- c. Tax Collector's Report for the Month of October 2019
- d. ZBA Board Secretary Memo – 2020 Appointment Recommendations

- e. Curator's Report
- f. New Jersey DOT – Notice of Municipal Aid Program Award –
Hollow Road Beam Guide Rail Replacement Project
- g. Jennifer Dillard- Appreciation Letter
- h. Storage Container appreciation letter Zoning Officer.

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 8:19 p.m.

Ms. Jean Lange informed the Committee of the concerns she has with the property revaluation. Mayor Schmidt informed Ms. Lange that the Revaluation is ordered by the County and State and that the Township has no jurisdiction over the process; however, he will forward her concerns on to the appropriate party.

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 8:34 p.m.

EXECUTIVE SESSION - Resolution No. 99-2019

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 99-2019 and convened in executive session at 8:35 p.m. It is not anticipated that action will be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 99-2019**

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: _____); **PBA Local 386 and CWA**

Local 1040

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:

_____Professional Service Contracts_____. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

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: **Police Chief, Retiring Police Chief, DPW Manager, Township Clerk**

_____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 10:04 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 10:06 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 18, 2019

Mike Schmidt, Mayor