

**Lebanon Township Committee
February 1, 2017**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Marc Laul called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public 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 Laul asked everyone to please stand for the Flag Salute and for a moment of silence for Committeeman Wunder’s family as his son Zach was in a motor vehicle accident this afternoon.

ROLL CALL

Present - Marc Laul Thomas McKee
 Mike Schmidt Beverly Koehler

Absent- Brian Wunder

Also Present - Attorney Tara St. Angelo, Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of January 18, 2017

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of January 18, 2017.

Minutes of the Executive Session of January 18, 2017

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session meeting of January 18, 2017.

PUBLIC COMMENTS – for agenda items only.

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

ORDINANCES

Ordinance No. 2017-01 – CAP BANK

Public Hearing

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-01 was opened.

There were no comments from the public.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-01 was closed.

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2017-01 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2017-01
CALENDAR YEAR 2017**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the of the Township of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.0% increase in the budget for said year, amounting to \$ 130,519.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body

affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 152,272.68, and that the CY 2017 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTIONS

Resolution No. 22-2017 – Verizon Wireless - Re-evaluation of Installation of Wireless Nodes (Memorialize – from January 18, 2017 meeting)

Ms. Kathryn Windsor, of Tilson Technology, and Attorney Louis D'Arminio, of Price, Meese, Shulman & D'Arminio, were present on behalf of Verizon Wireless.

Mayor Laul stated that Ms. Windsor has been very informative and has provided the Committee with all of the documents that they have requested. However, the Township Attorney has brought further information to the Committee, which has raised concerns. Mr. D'Arminio stated that Verizon is very disappointed that the Township Committee is considering rescinding their prior approval for the installation of network nodes. Mr. D'Arminio noted that Ms. Windsor previously provided the Committee with detailed photos, comprehensive information on the nodes, maintenance procedures and contacts. Mr. D'Arminio stated that Verizon would like to work with the Township and will be pleased to provide any reasonable additional information that is needed. Mr. D'Arminio stated that Verizon will be meeting any and all building and electrical code requirements. There will only be a small amount of power needed because there will be only 9 or 10 nodes installed in the Township. Mr. D'Arminio stated that the nodes are smaller than a JCP& L transformer and that they will provide essential services to the citizens. The nodes are specific to the location where they are needed. Mr. D'Arminio told the Committee that the Federal Government requires that they provide the services and that local governments need to review requests without delay. Mr. D'Arminio stated that in the rescinding resolution the Committee directs Verizon's request to the Planning Board. Mr. D'Arminio said that the Governing body has the consent power and that the Planning Board does not deal with municipal consent. Mr. D'Arminio stated that Verizon is requesting that the Committee reconsider their decision in rescinding Resolution No. 81-2016 and that they would like to work directly with the Committee to address any concerns that they have.

Mayor Laul stated that the Planning Board and Zoning Board have always heard applications for cell towers. Mayor Laul noted that other utilities may come before the Committee with the same type of request and Resolution No. 81-2016 would enable those companies to install boxes in the same areas as Verizon, due to dead zones, which would become unsightly for the residents. Mayor Laul said that the Planning Board will need to know exactly where the nodes will be located and on which poles, so they understand the potential impact they will have on the residents.

Mr. Schmidt stated that he felt that the Committee received good information from Ms. Windsor. They became comfortable with the knowledge that there would be nine nodes installed, which would be located on County Road 513, so they adopted the resolution that was provided to them. Mr. Schmidt noted that a week later the Township Attorney informed the Committee that they adopted the resolution not realizing that it was a blanket resolution. The resolution would essentially permit Verizon to install as many nodes as they see fit. Mr. Schmidt stated that he agrees that the Planning Board should establish policy but asked Mr. D'Arminio if Verizon would find it to be acceptable for a resolution to be prepared authorizing the specifics of the work that is to be done; such as, the number of nodes that are to be installed. Mr. D'Arminio stated that he feels that Verizon could answer any apprehensions directly with the Committee. Mr. D'Arminio noted that he has concerns with being required to have a full hearing before the Planning Board as he does not believe that there is authorization for such. Mr. D'Arminio said that Verizon will have to answer all of the same questions for the Planning Board that the Committee has already asked; therefore, Verizon will have to appear twice.

Ms. Windsor said that she has been working on the project for more than a year and has faced these concerns with other municipalities. Verizon is very willing to work with the Committee. Ms. Windsor informed the Committee that Verizon provided a customary resolution for consideration; however, the Committee can make any changes they see fit. There can be limitations established, such as, the number of nodes to be installed, and if it is determined that Verizon needs more, they will be required to receive approval from the Township. Ms. Windsor noted that if location is a concern, that can be discussed also. Ms. Windsor asked the Committee to reconsider their position or to table the matter until the next meeting. This will provide time for a more in depth meeting to be held, where Verizon can answer all of the Committee's questions and concerns.

Attorney St. Angelo stated that there is a provision in the Township's ordinance regarding wireless communications facilities and, although not specifically about wireless nodes, it appears that this sort of item would need to go to the Planning Board. Attorney St. Angelo stated that due to ever changing technology, the ordinance does not cover this issue explicitly, but feels that it must go before the Board. Mr. D'Arminio stated that he does not believe that this type of request is contemplated or provided for in the Municipal Land Use Law. Attorney St. Angelo suggested that a joint meeting, between the Committee and the Planning Board, be held. In doing so, only one presentation will be necessary, the Planning Board can review and provide whatever is required under the ordinance and the Committee can provide the needed consent.

Mr. Schmidt asked if the nodes are for Wi-Fi or if it is line of site technology. Ms. Windsor stated that the system is not Wi-Fi; it is called an Outdoor Distributed Antenna System (ODAS) or Small Cell Technology. Mr. Schmidt asked if Verizon will be hooking into the telephone lines that are already on the poles. Ms. Windsor said that she is not sure but she will look into it. Mr. Schmidt stated that he feels that it should be included in the resolution, that in neighborhoods where there are buried utilities, there will be no poles installed.

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee memorialized Resolution No. 22-2017, with the understanding that the Committee will be meeting with Verizon Wireless and the Planning Board at their March 7, 2017 meeting. AYES: Laul, Schmidt, McKee ABSTAIN: Koehler

**STATE OF NEW JERSEY
RESOLUTION NO. 22-2017**

WHEREAS, Cellco Partnership, d/b/a Verizon Wireless (“Verizon Wireless”) requested that the Township of Lebanon adopt a “blanket” Resolution that would grant to Verizon Wireless and its successors and assigns the right to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way within the Township of Lebanon subject to certain conditions; and

WHEREAS, Verizon Wireless designated Tilson Technology Management, Inc. to represent it in connection with the proposal submitted to the Township of Lebanon; and

WHEREAS, a representative of Tilson Technology Management, Inc. appeared before the Township of Lebanon; and

WHEREAS, the Township of Lebanon requested certain information from the representative of Tilson Technology Management, Inc., which was provided; and

WHEREAS, based on the information provided to it by Tilson Technology Management, Inc., the Township of Lebanon adopted a Resolution authorizing the installation of small wireless nodes in the public right-of-way; and

WHEREAS, subsequent to the adoption of said Resolution, the Township of Lebanon became aware through information supplied by the New Jersey League of Municipalities and other sources that the installation of small wireless nodes was a more complex subject than the Township initially believed and that the installation of said nodes could have an impact on the public safety, health and welfare of the Township and its residents; and

WHEREAS, the Township of Lebanon has also learned that there may be an obligation upon it to accommodate the need for this new technology in order allow the improvement of the wireless system within the Township borders; and

WHEREAS, the Township of Lebanon believes that it needs to examine the issue in more detail and secure more information from Verizon Wireless about the specific plans Verizon Wireless may have for the installation of those nodes within the Township of Lebanon, the number of nodes that Verizon Wireless plans to install, the location of the nodes, whether Verizon Wireless will allow co-location by other providers, what procedures will be established for the location of nodes in areas of the Township that have underground utilities and other issues; and

WHEREAS, the Township of Lebanon has concluded that securing additional information from Verizon Wireless will assist the Township in developing a procedure that addresses the many issues raised by the installation of these nodes and protects property owners from the installation of new telephone poles in inadvisable areas.

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

1. The Township revokes the adoption of Resolution No. 81-2016; and
2. The Township authorizes the Planning Board to evaluate the appropriate response by Lebanon Township to the request by Verizon Wireless, and possibly other providers, to install small wireless nodes within the rights-of-way of the Township of Lebanon; and
3. The Township encourages Verizon Wireless to supply adequate information to the Planning Board as to methods by which the concerns regarding the installation of the small wireless nodes can be addressed.

Resolution No. 24-2017 – Bond Anticipation Note

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 24 -2017 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 24-2017

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 AN \$810,400 BOND ANTICIPATION NOTE, DATED JANUARY 27, 2017, PAYABLE JANUARY 26, 2018, 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 an \$810,400 bond anticipation note, dated January 27, 2017 and payable January 26, 2018 (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 2017.

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 2017.

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 to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Note.

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

Resolution No. 25-2017 – Green Acres Enabling Resolution

Public Hearing – Teetertown to Point Mountain Link

Mr. Schmidt stated that Resolution No. 25-2017 will authorize Lebanon Township to apply for Green Acres funding, through a Planning Incentive Grant, for the acquisition of 244 acres in the northern corner of the Township. The property is owned by the Pelio family and is currently for sale, with an asking price of \$1.8 million dollars. The grant application is for 50% of Green Acres funding, in the amount of \$928,500.00. Mr. Schmidt said that if the Township is successful in obtaining the grant the Committee will need to produce 50% of the matching funds. This can be done with Township funds or through a partnership with other sources; such as, Hunterdon County and private grants. Mr. Schmidt stated that there is no contract for the property currently and the application does not require the Township to spend any money. Mr. Schmidt stated that the Planning Incentive Grant is for funds that may be used for the 2002 Open Space Plan, which was originally designed for the Township. The 2002 Open Space Plan was revisited during a 2012 reexamination of the Master Plan for the Township and these properties are listed on it as preservation priorities.

Mr. Schmidt stated that because the Township is applying for a Planning Incentive Grant, if the purchase of this land does not go through, the money that is awarded can be used for the acquisition of other properties that are listed in the Open Space Preservation Plan. Mr. Schmidt stated that he has received letters of support, from various agencies, for the acquisition of the properties. Mr. Schmidt stated that on February 7, 2017 the Township Planning Board will review the application to confirm that the property is part of the Plan and will, hopefully, endorse the acquisition. Hunterdon County Planning Board will also be meeting tomorrow and it is hoped that they will be providing a letter stating that the acquisition fits into the County's Plan for preservation.

Mr. Schmidt stated that in 2008-2009 there was a \$700,000.00 grant from Green Acres for the same property; although, the transaction did not go through for different reasons. Mr. Schmidt noted that, today, the asking price for the property is 1/3 less than it was in 2008-2009.

Mr. Schmidt stated that the land is 244 acres and is contiguous on the eastern side to the Crystal Springs and the Teetertown Reserve properties and on the western side it is adjacent to Camp Bernie through to

the Point Mountain Preserve. In addition, there is contiguous lands that reach down to Miquin Woods. Mr. Schmidt noted that with the acquisition of the 244 acres, it will create 2600 contiguous acres of preserved land in the Township and hundreds of acres of adjoining preserved lands in Warren and Morris County.

Mr. Schmidt noted that the land straddles the Musconetcong and the South Branch Watersheds. The NJ Watersupply Authority has offered support for matching funds, for the transaction costs, because the land indirectly provides water to as many as five million residents through ground water recharge and the tributaries that run into the Spruce Run Reservoir.

Ms. Koehler asked Mr. Schmidt if there are any structures on the property. Mr. Schmidt stated that there is one home, which is fire damaged, that will need to be removed during the transaction. Mr. Schmidt stated that the land is 2/3 open agricultural fields and the other 1/3 is wooded.

Ms. Koehler asked if there are any stipulations associated with the grant. Mr. Schmidt stated that under the rules of Green Acres, the land is preserved in perpetuity, and nothing can be done on the property.

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Resolution No. 25-2017 was opened.

Mr. Ron Milkowski said that the Township is already in the Highlands Preservation Area and that in order to develop the land you would need to have 50 acre lots. Mr. Milkowski asked what the Committee is concerned about when there could only be possibly 8 homes built. Mr. Schmidt stated that his intention is to join with other agencies to leverage the funding considerably. Mr. Schmidt stated that the reason to purchase property is for trail linkage. Mr. Milkowski stated that 240 acres is a lot of land to preserve for trail linkage. Mr. Milkowski also stated concern with the land coming off of the tax rolls and questioned if it would be a burden on the taxpayers. Mr. Milkowski stated that he supports applying for the grant but thinks that there should be more thought given to the land purchase.

Ms. Laurie Hoffman questioned what will happen with the 2/3 that is agricultural. Mr. Schmidt said that he believes that the Township can lease the land out to farmers. Ms. Hoffman questioned if the taxpayers will be made to maintain the property and said that the water from the lands will go elsewhere and the taxpayers will get nothing in return. Mr. Schmidt stated that his preliminary understanding is that there will be minimal cost to maintain the property. Ms. Hoffman asked if the Township can withdraw from the grant application if it does not receive assistance for the matching 50%. Mr. Schmidt stated that if the Township does not come to an agreement for the purchase, and other lands in the Open Space Plan become available, the money can be reallocated to another project. Mr. Schmidt noted that if all of the 50% matching funds are not received the Township can choose to not purchase any land or they can purchase fewer lots.

Mr. Hoffman asked if it wouldn't be better for the agencies, who are interested in the land, to purchase it on their own. Mayor Laul stated that they like to have the Township interested in the land also. Mr. Hoffman stated that the location of the property and the water rights are very important to the other agencies so why not let them pay for the purchase. Mr. Hoffman inquired on what other properties the Township is looking at for purchase. Mr. Schmidt stated that on the 2002 Open Space Plan the Township outlined the lots that are priorities for preservation. The Open Space Plan has to be updated because some of the lots listed on the 2002 Plan have already been preserved. Mr. Hoffman stated his

concern with the taxpayers paying for all of the preserved land in the Township. Mr. Hoffman stated his issue with the water being sent to other locations and the Township not receiving anything in return.

Mr. Adam Duckworth told Mr. Schmidt that he feels that he perfectly articulated the details of the land acquisition and the funding associated with such. Mr. Duckworth said that he believes that most residents live in the Township because of the beautiful farmland and nicely wooded areas. Mr. Duckworth said that he does understand the argument of sharing water and it benefiting the entire State of New Jersey but he feels that, in benefitting the State, it enables the Township to acquire funds that are used to preserve the way of life that the residents want and love.

Mr. Nancy Lawler commended Mr. Schmidt for all of his hard work. Ms. Lawler stated that Lebanon Township is a beautiful town to live in and noted that she finds it so special and captivating that the residents can walk from the Raritan River to the Musconetcong River without seeing someone. She thinks that this is very valuable. Ms. Lawler said that she is hoping that the agricultural land will stay as agricultural land.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Resolution No. 25-2017 was closed.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 25-2017 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 25-2017
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Lebanon desires to further the public interest by obtaining funding in the amount of \$ 928,500.00 from the State to fund the following project: Teetertown to Point Mountain Link at an estimated cost of \$ 1,857,000.00;

NOW, THEREFORE, the governing body/board resolves that Mike Schmidt or the successor to the office of Deputy Mayor/Open Space Coordinator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named

project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Committee of the Township Of Lebanon

1. That the Deputy Mayor/Open Space Coordinator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as the Teetertown to Point Mountain Link project;
2. That the applicant will obtain and provide its 50% matching share of the project, if a match is required, in the amount of \$ 928,500.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant will obtain and provide the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Resolution No. 26-2017 - Transfers

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 26-2017 as attached.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 26-2017
TRANSFERS**

OLD BUSINESS

LTVFD – Acquisition of Ambulance

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the Fire Department to send specifications to the Township Attorney for the preparation of a bid package for the chassis of a new ambulance.

2002 Open Space Plan Update

Mr. Schmidt stated that the 2002 Open Space Plan needs to be updated. Planner Bolan provided Mr. Schmidt with proposal of \$1300 for the work to be done. Banish Associations will be preparing the update.

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee requested that the Planning Board authorize an update to the 2002 Open Space Plan.

Social Media – Adam Duckworth

Mr. Adam Duckworth has volunteered to work on a Social Media Policy for the Township. Mr. Duckworth will be working with Ms. Koehler on the project. Mr. Duckworth stated that he was present at the meeting to speak with the Committee to ensure that he will be focusing on the right items.

Discussion was held on the process to follow in preparing and adopting a Social Media Policy. The Committee wishes for a means to provide information to the public only; they do not want interaction with the public. Each of the standing committees will be provided with the draft policy for their comments prior to adoption.

Mr. Duckworth stated that, in addition to the Social Media Policy, the standing committees would like a policy established for their members.

Mr. Duckworth stated that he will be concentrating on three items: how the municipal government engages their citizens, how the standing committees will use social media to conduct their business and the guidelines for the use of social media, on a personal basis, by municipal representatives. Attorney St. Angelo noted that the use of social media, on a personal basis, by municipal representatives, would be addressed separately, in the employee/volunteer handbook, to be sure that an individual's First Amendments rights and their right to have an opinion, as a citizen, are not violated.

It was determined that Mr. Duckworth and Ms. Koehler will address how the municipal government engages their citizens and how the standing committees will use social media to conduct their business. Attorney St. Angelo will address the guidelines for the use of social media, on a personal basis, by municipal representatives.

Attorney St. Angelo will provide Mr. Duckworth and Ms. Koehler with the most recent Social Media Policy that she has prepared. Mr. Duckworth and Ms. Koehler will review the policy and provide Attorney St. Angelo with their views on the distinct needs of the Township.

Mayor Laul will be the "go between" for Mr. Duckworth and Attorney St. Angelo.

Fire Station Three Agreements -

Held to February 15, 2017 meeting.

Letter to Winding Brook Lane

The Clerk drafted a letter to the Winding Brook Lane Association to inform them of the Township Committee's decision on accepting the private roads into the public road system.

Tabled to the next meeting.

NEW BUSINESS

DPW Manager Correspondence – Request to Advertise for a Surplus Sale

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to advertise for a surplus sale. Bids will be opened on Tuesday, February 28, 2017 at 10:00 a.m.

Schedule Budget Meetings

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee scheduled budget meetings to be held on Thursday, March 2, 2017 at 6:00 p.m., Thursday, March 9, 2017 at 6:00 p.m., Thursday, March 16, 2017 at 7:00 p.m. and Thursday, March 23, 2017 at 6:00 p.m.

Raffle Applications (2) for St John Neumann Church

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved two (2) Raffle License Applications for St. John Neumann Church for an event to be held on June 3, 2017.

St. John Neumann Church Social Affair Permit Application – Event to be held on June 3, 2017

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit Application for St. John Neumann Church for an event to be held on June 3, 2017.

PRESENTATION OF VOUCHERS

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

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the February 1, 2017 bill list in amount of \$925,287.19.

CORRESPONDENCE

- a. Township Historians December 1, 2016 Meeting Minutes
- b. Township Recreation Commission December 1, 2016 Meeting Minutes
- c. Township EOSC December 19, 2016 Meeting Minutes
- d. Town Wide Clean Up – April 22, 2017 – 8:00 a.m. – 1:00 p.m.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved having a Town Wide Clean Up on April 22, 2017 from 8:00 a.m.-1:00 p.m.

PUBLIC COMMENTS

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:55 p.m.

Ms. Laurie Hoffman stated that she has asked many times for a volunteer handbook. Ms. Hoffman said that she feels that the standing committees have no guidance and she feels that the Historians are held to a high standard because they attend Committee meetings and understand what the rules are. Ms. Hoffman offered to be on a committee to draft a volunteer handbook.

Ms. Hoffman stated that she knows that everyone is concerned about saving water for Newark but she is concerned about having water for herself. Ms. Hoffman asked where she can go to find out about the water consumption from High Bridge Water Company. Ms. Hoffman stated that the water is coming out of her aquifer and she is worried that her well will run dry. Ms. Hoffman was informed that she should reach out to the NJDEP who regulates commercial water withdrawal or to go directly to the High Bride Water Company.

Mr. Ron Milkowski stated that he thinks that the Committee is not looking at Verizon specifically they are looking for any utility that will come to the Committee next. Mr. Milkowski said that he feels that the Committee is handling the matter very well. Mr. Milkowski stated that he feels that the Social Media cannot be for dialogue at any time. It must be for informational purposes only; only one direction of communication. Mr. Milkowski stated that the volunteer handbook can be worked on later. Mr. Milkowski said that everyone must follow any policy that is put in place.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 9:04 p.m.

Resolution No. 27-2017 –Executive Session

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2017 and convened in executive session at 9:05 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 27-2017
RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

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

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

_____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

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

_____ 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: **Affordable Housing**

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. **Construction Code Official**

_____ 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: **Fire Official Position_Union Contract**_____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

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

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

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

LTCM

02/01/2017

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ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote to adjourn the meeting at 10:18 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 15, 2017

Marc Laul, Mayor