

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 in honor of our Servicemen and Women.

ROLLCALL

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

Absent-

Also Present- Attorney Dick Cushing, Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of February 15, 2017

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of February 15, 2017.

Minutes of the Executive Session of February 15, 2017

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session meeting of February 15, 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 Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.

ORDINANCES

Ordinance No. 2017-02- Salary Ordinance

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2017-02 on first reading as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF
HUNTERDON
STATE OF NEW JERSEY
SALARY ORDINANCE
ORDINANCE NO. 2017-02

Public Hearing to be held on March 15, 2017

OLD BUSINESS

LTVFD -Request to Seek Bids for Chief's Vehicle & Ambulance

Mayor Laul stated that Attorney St. Angelo prepared the bid package for the Chiefs vehicle and the ambulance. Mr. Wunder asked why the specifications for the Chiefs vehicle cannot be worked out and purchased through State contract. Chief Crampton informed Mr. Wunder that there is no State contract where everything for the vehicle can be purchased through one vendor. The Chief does not feel that dealing with multiple vendors works out well. Mr. Schmidt asked which of the Fire Department vehicles will be replaced and its age. Chief Crampton stated that the new vehicle will replace the 2004 Dodge Durango which will be relinquished back to the Township. Mr. Schmidt asked if the vehicle specifications are from a state wide fire department organization or if they were customized by the Township's Fire Department. Chief Crampton stated that the specifications are based on information collected and past experiences that the Fire Department, and neighboring departments, have had with their vehicles. Mayor Laul stated that he spoke to a Fire Chief from another town and his municipality does not use State contract because many times the price is not lower than formal bids received.

Mayor Laul said that the Chiefs vehicle bid package will be similar to the bid package for the ambulance. Attorney Cushing will ask Attorney St. Angelo to prepare the bid package for the Chiefs vehicle also.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney St. Angelo to prepare a bid packet for the Chiefs Command vehicle.

Fire Department Ambulance

Mr. Wunder asked Chief Crampton what type of ambulance the Fire Department is seeking. Chief Crampton stated that the back half of the ambulance matches the newer of the ambulances that they currently have. The chassis is a two door, F-series with a 450 engine and it does not have 4-wheel drive.

Mr. Schmidt asked if the ambulance is a transport or rescue unit. Chief Crampton stated that it will be a transport ambulance. Mr. Schmidt stated that in the past the Committee was informed that the Houston Galveston Coop was authorities in configuring ambulances and a national source to acquire the desired ambulance. Mr. Schmidt asked Chief Crampton what has changed now that Houston Galveston is not able to assist the Township in the purchase of the ambulance. Chief Crampton stated that the box combination, with the 450 chassis, is the issue. The box that is available through Houston Galveston is only available in a 550 chassis and that would come with added height issues and cost issues.

Chief Crampton stated that the Fire Department chose to stay with the same box that is on their other ambulance, for easy transition from one unit to the other. Mr. McKee asked if the new box would be able to be reused on a new chassis in the future. Chief Crampton stated that it is a common practice to do so. Mr. Schmidt asked if the box on the white ambulance could be placed on a new chassis. Chief Crampton stated that, a few years ago, the Fire Department did look into transferring the box but the cost was approximately \$70,000. Due to the cost they did not feel that it made sense to do so. Mr. McKee asked if the width of the new ambulance will be the same as the other ambulances. Chief Crampton stated that it will be the same width.

Amend Lease Agreement- Between Lebanon Township and the LTVFD

Mayor Laul asked Chief Crampton if he had time to look over the amended Lease for Station 3, which include who will be responsible for the maintenance of the building. Chief Crampton stated that he did review the document but President Paul Ibsen has not. Mayor Laul stated that he would like for the Committee to approve the final draft so it can be sent to the Fire Department for review and signature. Once signed and returned the Committee will execute also.

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Lease Agreement to be sent to the Fire Department for review and possible signature.

Approve Hall Rental Agreement/Conditions for LTVFD Station Three

Held to a later meeting.

Environmental Assessment Proposal for 97 Red Mill Road

Mr. Schmidt stated that a Phase I Environmental Assessment will have to be conducted on the property. Mr. Schmidt received three quotes for the work. The lowest quote was received from Quest Environmental in the amount of \$2950. Mr. Schmidt reminded the Committee that NJSWA will be reimbursing the Township for half of the cost.

Motion by Ms. Koehler, seconded by Mr. McKee, and carried by unanimous favorable roll call vote, the Township Committee appointed Quest Environmental to conduct a Green Acres Preliminary Assessment at a cost of \$2950.

Hagedorn Property

Mr. Wunder stated that he spoke to Mr. Tighue, of the Office of Real Property, Acquisition and Disposition, NJ State Department of Treasury, regarding the leasing of the East Hall at the Hagedorn site. Mr. Tighue informed Mr. Wunder that they were working on a lease agreement with a company called Investment 360; however, at this time they are back in negotiations due to not coming to a final agreement. Mr. Tighue will keep the Township up to date on any progress made. Mr. Tighue also agreed that the company will need to come to a meeting to discuss any concerns that the Committee may have, such as, emergency service and public safety.

Mr. Schmidt stated that last year the Committee considered an ordinance relating to EMS transports. Mr. Schmidt said that he feels that this is a good time to get the ordinance in place. The Fire Department will be reaching out to the health facilities in the Township and will provide them with a copy of the proposed ordinance for comments.

NEW BUSINESS

Library Committee Request to Appoint Member

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Victor Hoffman to the Library Committee.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the March 1, 2017 bill list, in amount of \$132,143.27.

CORRESPONDENCE

- a. Library Committee Members – Correspondence
- b. Recreation Commission-January 5, 2017 Meeting Minutes
- c. NJDEP – SFY2016 319(h) Proposal -Grant Application Denial
Mayor Laul thanked the LT EOSC, Sharon Hardy and Nancy Lawler for their time and effort in applying for the 319(h) Grant for a Rain Garden at the Library.
- d. Hunterdon Healthcare Foundation-Genevieve Sliker Tribute

Mayor Laul stated that at the last meeting there were comments made by a resident. Mayor Laul said that he is disappointed because the individual is a past Committee member and he had conversations with him on why his picture was temporarily removed from the wall. Mayor Laul stated that the day after the meeting he received a call stating that the new frames were in and the pictures are now hanging on the back wall. Mayor Laul said that he became more disappointed when the past member criticized the DPW employee's work. Mayor Laul noted that the DPW employees have an exceptionally good safety record and follow procedures. The past member also made statements against the DPW Manager, who was not even present at the work site, which the member had complained about. Mayor Laul stated that he will assume that there was memory loss with regard to the Committee pictures and

poor vision in his statements relative to the DPW employee's performance. Mayor Laul stated that as a Committee member you are aware that your comments carry weight and it was disappointing to hear someone, who sat as a member, use alternate facts about the DPW Department. Mayor Laul stated that the Township has a great group of employees and a great Manager and after speaking with the DPW Manager, and receiving a detailed email about the incident, he was very disappointed with the past member. Mayor Laul said that he is very proud of the DPW and their efforts and hopes that in the future, all comments are based on facts.

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:42p.m.

Mr. David Switzer, of 62 Point Mountain Road, provided the Committee with pictures of a bad curve on Point Mountain Road, which is in front of his property. Mr. Switzer informed the Committee that he is willing to sell a portion of his land, to the Township, to have the road corrected. Mr. Switzer feels that correcting the curve may prevent a serious accident from happening. Mr. Switzer said that he owns 4 1/2 acres and the Township may need a 1/4 or a 1/2 an acre to correct the curve. DPW Manager Gabriel will look into Mr. Switzer's suggestion.

Mr. Ron Milkowski asked the Committee if they are aware of the type of facility that the State is planning on leasing to, at the Hagedorn site. Mr. Milkowski stated that, years back, there was a proposal for the criminally insane to be housed at the site. The Township fought it and prevailed. Mr. Milkowski stated that the Committee needs to know if the intent is for the criminally insane to be located there. It would be good to know, beforehand, so the process is smoother.

Mr. Milkowski stated that the Road Department is good but not perfect. He noted that he was not at the job site that the prior Committee member spoke of but he has seen times when safety gear was not used. Mr. Milkowski said that he is very aware of eye protection because he lost an eye due to an injury.

Mr. Victor Hoffman said that at the last meeting the Committee said that they were looking for insurance for volunteers and asked for an update. Mr. McKee stated that he is looking into the coverage but does not have the information for this meeting. Mr. Hoffman asked which volunteers will be covered. Mr. Schmidt stated that volunteers are not named but will be covered at any approved Township event.

Mr. Charlie Fortenbacker said that he remembers the meetings that Mr. Milkowski spoke of regarding the Hagedorn site and it was actually sexual offenders that they were planning on housing there. Mr. Fortenbacker stated that the Township needs to stay abreast of the State's plans for the facility.

Mr. Fortenbacker asked who owns Fire Station No.3. Mayor Laul stated that the Township owns the building and the Fire Department leases it. Mr. Fortenbacker asked where the rental fees go. Mayor Laul said that they Fire Department uses the fees collected as they see fit. Mr. Fortenbacker asked who owns the park and the pavilion. Mayor Laul stated that the Township owns them. Mr. Fortenbacker asked why the Friends of Memorial Park were asked to put the pavilion rental fees into a fund that the Township Committee would have access to. Mayor Laul stated that the Committee does not have access to the funds. The fees are put into a fund for the maintenance of the park. Mr. Fortenbacker asked why

the Fire Department retains the fees that they receive but Friends must turn the money over to the Township.

Mayor Laul stated that the Fire Department leases the building so they are able to use the building in any way they choose. The Township owns the park and the Park Committee works on behalf of the Township Committee. Mayor Laul stated that all money that is collected, by the Park Committee, will be placed in a fund to be used solely for the maintenance of the park. Mr. Fortenbacher questioned if it is because the Fire Department leases the building, which their money does not have to be used to pay for their bills. Mayor Laul said that that is correct. Mr. Fortenbacher stated that the matter needs to be discussed further but he is looking for clarification. Mr. Wunder informed Mr. Fortenbacher that only the Park Committee can access the money that they collect. Mayor Laul stated that the ordinance provided the Park Committee with the mechanism to collect fees for the use of the pavilion. At this time, funds are based on donations and there is no guarantee of funding. Mayor Laul stated that when the park was established it was not to be supported by taxpayer's money. This was changed in 2008 when the Committee adopted a resolution stating that the Township would take on the financial responsibilities of the park. Mr. Fortenbacher asked if Friends will have to request to use the money. Mayor Laul stated that they will have to do so. Mayor Laul stated that the ordinance now corrected the process and there is no taxpayer's money being used to fund the park.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:01p.m.

Resolution No. 32-2017 -Executive Session

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2017 and convened in executive session at 8:03 p.m.

There may be action taken on when the meeting reconvenes.

TOWNSHIP OF LEBANON
COUNTY OF
HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 32-2017
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 *NJS.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:

X 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. **97 Red Mill- 661 Woodglen**

Road

__ __ 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.

X 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: **Affordable Housing** 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.);

X 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 Officer 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.

Animal Control

Ms. Koehler asked the Committee if they would like the Township Committee to interview the Animal Control Candidates or would they like for the Board of Health to do the interviews and make the recommendation to the Township Committee. The Committee would like for Ms. Koehler and Mr. Wunder to do the interviews and to make a recommendation to the Committee. Mr. McKee stated that would like a full report on all that are interviewed. Ms. Koehler stated that the report will be an addition to the information that she has already provided. Ms. Koehler said that she will be reviewing the statutes again also. Mr. Schmidt stated that he would like to know what the minimum requirements are and who will fulfill those duties. Then, additional items can be included if the Committee feels that it is necessary. Ms. Koehler said that the Police handle certain issues but the laws may require that an Animal Control provide a specific service. Mr. Schmidt noted that there was one issue, with the prior ACO, and unless the Township is in violation of State Statute, he would rather not make a larger issue of it. Ms. Koehler stated that just because the Committee was not aware that there were other issues, it does not mean that there weren't any. Ms. Koehler stated that she wants to do a thorough investigation as her name will be listed on the analysis. Mr. McKee asked if the subcommittee will be basing their interview questions on the information that Ms. Koehler provided today. Ms. Koehler said that they would be using the information in the interviews. Mr. McKee asked if the agreements, that will be brought back to the Committee, will list what services will be provided and the price for such. Ms. Koehler agreed and said that legal requirements need to be considered. Mr. Wunder stated that there may be a need to amend the Township's animal ordinance. Cats seem to be a concern as well as quarantining. Mr. Schmidt stated that he would like legal advice, as he would not have confidence in interpreting statutes, if it were viewed that the Township was in violation. Ms. Koehler stated that the statutes are very clear but she understands Mr. Schmidt's point. Ms. Koehler informed the Committee that, in being extremely thorough, she is working to protect the Township.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:48 p.m.

Karen J. Sandorse, RMC/CMC
Township Clerk

Approved: March 15, 2017

Marc Laul, Mayor