

**CALL TO ORDER**

Mayor 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 stand for the Flag Salute followed by a Moment of Silence for our men and woman in service.

**ROLL CALL**

Present        Marc Laul                Thomas McKee  
                  Mike Schmidt            Beverly Koehler

Absent-        Brian Wunder

Also Present - Attorney Dick Cushing, Deputy Clerk Kimberly Jacobus and 11 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of March 15, 2017 (Tabled)**

**Minutes of the Budget Meeting of March 2, 2017 (Tabled)**

**PUBLIC COMMENTS – for agenda items only**

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

Ms. Laurie Hoffman stated that she had just read the minutes from the last meeting on line regarding the Animal Control Officer and questioned if the ACO would be getting as detailed as registering cats? Ms. Koehler stated that it is premature, the Committee is going to be looking at everything and no decisions would be made tonight.

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

**RESOLUTIONS**

**Resolution No. 39-2017 - Committee Salaries**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2017 as written below.*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 39-2017**

RESOLVED, BY THE Township of Lebanon, County of Hunterdon, State of New Jersey fixing the Compensation and Salaries of certain officials of the Township.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon that this Resolution be known as the 2017 Committee Salary Resolution and the annual salaries of the following officials be set forth hereafter:

	<u>2017</u>
SECTION A:	
Mayor	5,000.00
Committee	4,000.00

**Resolution No. 40-2017 – Purchase of a Portion of 661 Woodglen Road**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2017 as written below.*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 40-2017**

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR  
PORTION OF 661 WOODGLEN ROAD (BLOCK 36, LOT 17)**

**WHEREAS**, the Township of Lebanon (the “Township”) wishes to acquire approximately 2 acres of land that is a portion of property designated as Block 36, Lot 17 on the Township Tax Map, located at 661 Woodglen Road; and

**WHEREAS**, the portion of the property sought to be acquired is triangular in shape and adjacent to other publicly owned land, specifically land jointly owned by the Township and the New Jersey Water Supply Authority and land known as the Hunterdon County Park Miquin Woods;

**WHEREAS**, the Property offers attractive recreational uses and environmental preservation benefits; including trail connectivity, water quality and supply protection, and habitat conservation; and

**WHEREAS**, Lebanon Township has dedicated fund balances from previously collected Open Space taxes that can be used to purchase this property; and

**WHEREAS**, the New Jersey Water Supply Authority will reimburse the Township for certain soft costs associated with the closing of the sale; and

**WHEREAS**, the form of agreement attached hereto will be reviewed by the seller's attorney so there may be some technical language changes to the form of the agreement, but not to the material terms.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, hereby authorizes the execution of an Agreement of Sale to acquire a portion of the property designated as Block 36, Lot 17 on the Township Tax Map, located at 661 Woodglen Road pursuant to an Agreement of Sale in similar form as attached hereto, subject to final review of the Township Attorney and a Committee person designated by the Mayor.

**BE IT IS FURTHER RESOLVED** that counsel and all other appropriate Township officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.

## **OLD BUSINESS**

### **Cellco Partnership d/b/a Verizon Wireless**

Attorney Greg Meese was present to represent Cellco Partnership d/b/a Verizon Wireless. The Committee had been provided with an exhibit with all the proposed node locations and photograph of a typical node. He had also previously provided the Committee with the Tewksbury Township Resolution and the County Resolution. The Committee had also been provided the First Energy rules with respect to equipment on the poles. Attorney Meese stated there are updated rules about nodes being on poles. If there is a preference for equipment to be on the pole opposed to it being on the ground, it may be possible with a new pole set. Rather than using JCP&L poles, depending on location, there could be a new Century Link or SQF pole installed. It would be a pole similar in size and looks like the typical wood pole. The equipment could be attached to the pole and would not be on the ground.

Mr. McKee stated that with the technology changes and advances, does the infrastructure get removed when it is no longer operable? Attorney Meese stated that this would be in the resolution that the equipment would be removed if it is not used after a period of time, about 6 to 9 months. The applicant has to remove it at their cost and expense to restore the right-of-way.

Attorney Cushing asked Attorney Meese if there was a "shot clock" running from his standpoint? Attorney Meese stated probably and Attorney Cushing asked how many days? Attorney Meese stated that it was 150 from the original instillation request but he agreed that they would waive it. Attorney Meese will be preparing the resolution with the changes they discussed.

### **Green Acres Application – Open Space Recreation Plan Update**

Mr. Schmidt stated that in February, the Township applied for a Green Acres-Planning Incentive Grant and it was deemed complete with one deliverable, which is for the Township's Open Space & Recreation Plan, an element of the Master Plan which dates from 2002, to go through an update procedure by the end of the year. This request will be sent to the Planning Board for review.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee requests that the Planning Board update the Open Space & Recreation Plan by the end of the year in conformance with the Green Acres application.*

### **Museum Addition Bid**

Ms. Koehler asked if the septic was part of the bid. Mr. Schmidt stated no, that once this contract is in motion, then they will accept proposals for the septic. The septic is going to be under the bid threshold.

Mr. Schmidt asked Attorney Cushing, when Attorney St. Angelo prepared the bid package for the Museum addition, what number of requirements are required by State law and what additional protection may have been put in for the Township? Mr. Schmidt understood that for a project with a value over \$100,000 a performance bond is mandatory, under \$100,000 the Committee can decide if they want a Performance Bond. Mr. Schmidt discussed with Attorney St. Angelo and the architect about using a payment schedule rather than a performance bond to protect the Township. Mr. Schmidt stated that he had 2 reasons for asking that, #1 a performance bond significantly increases the cost to the bidder and #2 a lot of contractors who would put on a small addition of this scale often times do not have themselves legally set up as an entity that can pledge equity towards a project. The performance bond is meant to protect the Township in that the Township retains a contractor who starts the work and then goes bust and leaves the Township holding the bag after the Township has paid for some work and now the Township has costs. If the Township has a well monitored payment plan to the contractor, ex: 15% when footing and excavating is done, another 15% when the masonry wall is up and we get building official approval, the Township would know the exposure if the contractor left midway through. The Township wouldn't have paid for work that wasn't done, work that has been done is inspected and approved and would be paid for it. Mr. Schmidt asked if this is something that can be put into the bid proposal instead of a performance bond to protect the Township.

Attorney Cushing stated that it could be done, he would prefer a performance bond. The performance bond does 2 things, protects the Township and it protects the subs on the job. There is a thing called a Mechanic's Lien, available for subs on the job and the performance bond contains provision where it guarantees the subs will be paid. It's always a concern if a contractor is not paying the sub then there is a lien on whatever the balance is due on the contract. From a lawyer's standpoint, the thing to tell the Township to do is to try to get a performance bond, but it is a business decision from the Township's standpoint. An alternate to consider would be a price with a performance bond and a price without, then you could look at the exact cost of the performance bond and if they can't get one, they just put in their proposal that they can't get a performance bond. At least the Township would know from the bids and could price the risk that the Township would be taking by not getting a performance bond.

The issue date for the bid packets is April 5 and the pre-conference walk through will be May 8, bid opening on May 17 and a special meeting on May 25 to award the bid.

### **Fire Chief's Vehicle Bid**

Mayor Laul stated that the Committee went through the Fire Chief's Tahoe bid packet as well as Fire Chief Crampton. This bid is only for the accessory items for the vehicle. There was discussion about the title of the bid being for a 2016 or newer Chevy Tahoe when it is for modifications to a Chevy Tahoe. Attorney Cushing will change the bid to read, Modification to a 2017 Chevrolet Tahoe- 4 door, 4 wheel drive chassis and accessories and change the dates. The Chief will work with the Clerk regarding distribution of the bid packets. Attorney Cushing will have the updated bid information to the Clerk by Monday morning for

advertising on April 12, packets will be available April 11, bid opening on April 26 and awarding of the bid at the May 3<sup>rd</sup> meeting.

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Chief's Vehicle Bid with changes.*

### **Fire Department Station 3 Lease Agreement**

Mayor Laul asked Chief Crampton if he had reviewed the Lease Agreement. The Chief stated that it was satisfactory. But after thinking about it he has concerns regarding town functions, where different groups will be able to use it for free. He stated that the Fire Company would like a separate rental agreement in case there was some kind of damage so that the Township would be responsible. Ordinarily they would have a security deposit that would cover any of these damages. They want damages covered that are not the normal wear and tear items.

Attorney Cushing stated that under Section 8 there's a list of tenant's maintenance and repair, they are normal maintenance items. It states for landlord repairs that they shall maintain and make any necessary repairs and replacements to the following vital facilities such as heating, plumbing, electrical system, exterior properties such as, windows, roof and siding. The Chief was referring to items inside the building that may be damaged during a "Township" rental that the Fire Department would be responsible for repairing. Attorney Cushing stated that the Township could do an in-house agreement. Discussion continued and Mr. Schmidt brought up that it was broader than just Township groups. On page 3, 5b. the agreement states that groups or committees from the township or surrounding areas where the organizations, groups or committees provides community services to Lebanon Township or its residents. Mr. Schmidt feels that it would mean Boy Scout and Girl Scout and other community groups outside the Township.

Attorney Cushing asked the Committee if they wanted the free access limited to entities affiliated to the Township. Attorney Cushing stated the language as such, Tenant agrees to give reasonable access to the Township, its agencies, Commissions, Committees, Boards or other affiliates organizations designated by the Township. The rest of the line in the lease agreement will be stricken.

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Department Station 3 Lease Agreement with changes as noted.*

### **Fire Department Hall Rental Agreement**

There was discussion regarding the occupancy limit and getting a Life Hazard Permit. It is up to the renter to get the permit as stated in section #6.

Attorney Cushing will add to the rental agreement: If lessee is to have occupancy in excess of 99 people (including staff) lessee must procure a Life Hazard Permit and pay any required fees.

*Motion by Mr. McKee seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Hall Rental Agreement with the language changes by Attorney*

Cushing. Attorney Cushing is also going to make sure that the Rental Agreement incorporates the Hall Rental conditions as part of the Rental Agreement

### **Assessor Position**

The Township's Assessor is retiring. The Township may be interested in a Shared Service with Readington Township. The Assessor would be Readington Township's employee so that it is a full time position. Mayor Laul feels that it is an option. Currently our Assessor works 2 days. There is the possibility of the new Assessor working here one day a week with some sort of support staff for non-clerical work.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved advertising with Readington Township for a Shared Service Assessor.*

### **Fire Official Position**

Mayor Laul stated that he was looking for dates to do interviews for the Fire Official's position. The Committee decided to do the interviews on April 18 and 20 at 6 pm, 45 minutes apart. The Clerk will advertise for the special meetings.

### **Animal Control Update**

The sub-committee for the Animal Control Officer has completed 6 interviews and decided on 2 candidates. Ms. Koehler asked the Mayor if the Committee wanted to do any interviews and Mayor Laul stated that the Committee would read the recommendations for the sub-committee and decide if there was a need for second interview.

### **Township Volunteer Picnic**

The Township Volunteer Picnic will be June 10. The invitations will go out on May 1.

### **Group Accident Coverage - Township Volunteers and Jr. Police Academy Attendees**

The Committee had discussed at some point getting secondary insurance coverage to cover up to 75 volunteers while doing volunteer events. They also were looking for insurance for the Jr. Police Academy being held this June. They received 2 proposals one from Bollinger and the other from AIG. They decided to go with the Bollinger proposal at \$350 for each of the plans.

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of Group Accident Insurance from Bollinger for Township Volunteers up to 75 and the Jr. Police Academy for 20 participants at a cost of \$350 each.*

### **Hagedorn Psychiatric Hospital – East Hall Proposed Lease**

Mayor Laul stated that Mr. Wunder had sent a letter last week to Mr. Tigie, Assistant Deputy Director regarding Hagedorn asking for more information. The Township has not heard back from him yet.

### **Police Speed Study for Ordinance to Establish Residential Speed Limit**

Mayor Laul asked Chief Gale for an update regarding the establishing of a residential speed limit. Chief Gale stated that all the Township needs to do for a resolution or ordinance for a Residential Speed Limit is notify any adjoining municipalities where there are roads common. The Township has roads in common with Clinton Township and Hampton Borough and fortunately for the Township, they are already posted so there is no input on their behalf as far as what the Township want to do with the speed limit, all that has to be done is simply a notice that the Township is doing it.

Chief Gale will meet with Engineer Risse and give him the data that he has and all that Engineer Risse has to do is draft a letter and send it to the Department of Transportation. This is being done to increase the safety in the Township and that there is no impact on traffic and there is no commercial traffic impacted as far as restricting roads with weighs limits.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Chief Gale to work with Engineer Risse to draft a letter for the D.O.T.*

### **NEW BUSINESS**

#### **Raffle License Application – NJ Center for Tourette Syndrome and Associated Disorders, Inc.**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the raffle license application for the NJ Center for Tourette Syndrome and Associated Disorders, Inc. Approve: Laul, Schmidt, McKee Abstain: Koehler*

#### **Raritan Headwaters Association Request – 27<sup>th</sup> Watershed-wide Annual Stream Cleanup**

The Raritan Headwaters Association requested a donation to support them in their clean communities' water clean-up day, April 22. The Township had donated to them last year, they had "forgotten" to request from us this year and already had the t-shirts made saying that the Township was a supporter.

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the donation of \$300 to the Raritan Headwaters Association.*

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the bill list in the amount of \$26,431.78.*

## **CORRESPONDENCE**

Township Historian's January 5, 2017 Meeting Minutes

## **PUBLIC COMMENTS**

*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.*

Ms. Julie Weldon, Lebanon Township PTA, explained to the Committee that the PTA is having a Spring Carnival in the Park and asked the Township Committee if they would waive the fee for the Fire Permit as well as the fees for the Temporary Food Handling Licenses for the vendors that will be attending the event on May 7th.

*Motion by Mr. Schmidt seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the group Temporary Food Handling License and waived the fee as well as the Fire Inspection Permit fee.*

Mr. Ron Milkowski, Rocky Run Road, stated that the nodes were going to be on the poles and it's changed completely since Verizon first came here. He also stated that the Committee is not going to be here forever but the property owner will be. He feels the home owner really should be involved with whatever is going on, on their property. Regarding the Museum bid, he thinks that the Township Committee should set-up a sub-committee to handle it. When there is the pre-construction meeting, make bidders aware that there is no fees for permits, but they still have to get the permits. He wants the Committee to make sure there is a certificate of insurance when the contractors bid on the project. He also stated regarding the rental of Fire State #3, he feels that the burden is being put on the Fire department with the no-fee rentals. There should be a deposit even for the non-paying groups.

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

## **EXECUTIVE SESSION**

### **Resolution No. 41-2017**

*Motion by Mr. Schmidt seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2017 and convened in executive session at 9:56 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 41-2017**

**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: \_\_\_\_\_  
\_\_\_\_\_CWA\_\_\_\_\_);

\_\_\_\_\_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: \_\_\_\_\_.  
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: Personnel-Police, and COAH \_\_\_\_\_ 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: \_\_\_\_\_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.

The Committee reconvened the public meeting at 10:33 p.m. No action was taken.

#### **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Koehler seconded by Mr. Schmidt and carried by unanimous favorable roll call vote to adjourn the meeting at 10:35 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Clerk

Approved: May 17, 2017

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Marc Laul, Mayor