

**Lebanon Township Committee  
May 4, 2016**

**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 in honor of our Servicemen and Women.

**ROLL CALL**

Present - Marc Laul Thomas McKee Ronald Milkowski Mike Schmidt

Absent- Brian Wunder

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

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of April 20, 2016**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of April 20, 2016.*

**Minutes of the Executive Session Meeting of April 20, 2016**

*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 April 20, 2016.*

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

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

**2016 BUDGET – Public Hearing**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing on the proposed 2016 Budget.*

There were no comments from the public.

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

**Resolution No. 36-2016 - Amending Approved Budget**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2016 as attached.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 36-2016**

**Resolution No. 37-2016 - 2016 Budget- Self Exam**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 37-2016 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
A RESOLUTION NO. 37-2016**

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

### **2016 Budget Adoption**

*Motion by Mr. Schmidt seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted the 2016 Municipal Budget.*

### **RESOLUTIONS**

#### **Resolution No. 38-2016 – Redemption of Tax Sale Certificate – Perry-Foster**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 38-2016 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 38-2016  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201401 on October 10<sup>th</sup> 2014 to US Bank Cust for PC5 Sterling National and,

WHEREAS the amount of \$15,859.37 has been collected from Wells Fargo Bank, for Ida Perry-Foster for the property known as Block 11, Lot 27, Lebanon Township for the redemption of Tax Sale Certificate # 201401.

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 \$15,859.37 for the redemption of this lien, and

THEREFORE BE IT FURTHER RESOLVED that a check in the amount of \$7,000.00 representing the amount of the premium paid also be sent to the lienholder:

US Bank Cust for PC 5 Sterling National  
50 S. 16<sup>th</sup> Street, Suite 1950  
Philadelphia, PA 19102

### **Resolution No. 39-2016 – Redemption of Tax Sale Certificate - Polt**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2016 as written below*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 39-2016  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201504 on October 23<sup>rd</sup> 2015 to Lebanon Township and,

WHEREAS the amount of \$676.18 has been collected from the owners of this property, known as Block 57, Lot 35, Lebanon Township for the redemption of Tax Sale Certificate # 201504.

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 \$676.18 for the redemption of this lien, and that this check be delivered to the lien holder: Lebanon Township.

### **OLD BUSINESS**

#### **Adrian Property – Donation of Land**

Mr. Schmidt stated that he looked into the Adrian property and found that it adjoins Atate land. Mr. Schmidt informed the Committee that he contacted the DEP Department of Fish and Wildlife to inquire on how someone could donate a piece of property directly to the State without the Township's involvement. Mr. Schmidt noted that this would insure that the Township has no risk or obligation with the property. The DEP provided Mr. Schmidt with an application for the donation of real estate to the DEP under the Green Acres Program. Mr. Schmidt questioned if the Township Committee should make contact with Mr. Adrian to encourage him to make application to donate the land directly to the State and to offer any assistance during the process. Mr. Schmidt informed the Committee that on first look the State representative said that they may have interest in the property as it adjoins the State land but they will need to assess it further. Mayor Laul will send a letter to Mr. Adrian to provide him with the

application and the background information. If possible, Mr. Schmidt will call Mr. Adrian to let him know that the letter is forthcoming.

### **Local School – Shared Services**

Mr. Schmidt stated that he has been in contact with the local School to discuss the potential of shared services. Mr. Schmidt will be meeting with Superintendent Jason Kornegay, DPW Manager Warren Gabriel and Clerk Sandorse tomorrow morning to discuss areas that may mutually benefit the Township and the Schools.

### **Indemnification Ordinance**

Attorney Cushing stated that in looking for a way to remedy the issue of the architect for the museum not having insurance he reviewed the Township's Indemnification Ordinance. Attorney Cushing informed the Committee that the Township's ordinance is not broad like other municipalities generally are. Usually these ordinances include volunteers, employees, board members, committees and commissions. Attorney Cushing stated that unlike any ordinance he has ever seen, Lebanon Township's ordinance only covers the Township Committee, members of the Board of Adjustment and the Planning Board. Attorney Cushing stated that if the other individuals were to be sued due to something they did in the course of their Township duties, and to no fault of their own, the Township should stand behind them. Attorney Cushing stated that most claims are covered by insurance but the ordinance would be in a case where insurance does not cover it. Attorney Cushing stated that the Township's ordinance is very unusual. It was carefully drafted and not through an oversight. Apparently a prior Committee wanted narrow coverage. Attorney Cushing provided the Committee with a copy of the Township of Clinton's ordinance for their review and to consider expanding the coverage. Attorney Cushing will provide other ordinances for the Committee's review.

## **NEW BUSINESS**

### **DPW Manager Request – Release of Capital Funds**

*Motion by Mr. McKee, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote,* the Township Committee approved the DPW Manager's request to move forward with the 2016 Capital Projects as outlined in his April 27, 2016 correspondence.

### **DPW Manager Correspondence – Fire Station No. 1 Remediation**

*Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote,* the Township Committee authorized the DPW Manager to pave a portion of Station No. 1 as requested by Quest Environmental to conclude the remediation of the property. The cost for the work will be approximately \$1600.00.

Mr. Milkowski will contact the Fire Department about the work to be done. Mr. Milkowski suggested that the generator company be contacted to see how level the pad will need to be. Mayor Laul will look into.

**Melick's Town Farm Agreement – Firing Range**

*Motion by Mr. Milkowski seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the Agreement with Melick Lebanon Farm, LLC for the Lease of the "Old Quarry" property, Block 41, Lot 11 for the Police Department's use as a firing range. The cost for the Lease is \$1.00.*

**N. J. State Firemen's Association Membership Application – Fireman Robert A. Pek**

*Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the N. J. State Firemen's Association Membership Application for Lebanon Township Fireman Robert A. Pek.*

**Resignation – Jan Gibas – Lebanon Township Park Committee Member**

*Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee accepted Jan Gibas' resignation from the Park Committee with regret and gratitude.*

**Request for Appointments – Lebanon Township Park Committee**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Mayor's appointment of Anthony Confortini, JoAnn Letters and Douglas Springer to the Park Committee.*

**PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the May 4, 2016 bill list in the amount of \$ 43,921.52.*

**CORRESPONDENCE**

- a. JoAnn Fascenelli Memo – Free Town Wide Paper Shredding Event for Residents
- b. Library Committee - March 9, 2016 Meeting Minutes

Mayor Laul stated that the Memorial Service for past Committeewoman Patricia Schriver will be held on Saturday, May 21, 2016 at 10:30 a.m.

**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 at 7:30 p.m.*

Ms. Laurie Hoffman asked what time Ms. Schriver's memorial is. Ms. Hoffman questioned if volunteers are covered at this time. Attorney Cushing stated that there is insurance coverage for volunteers but not under the Indemnification Ordinance. Ms. Hoffman questioned that if an individual was injured while volunteering for the Township would they be covered for medical expenses? Attorney Cushing stated that they would not be as they are not covered under the Township's Worker's Compensation Insurance.

Ms. Hoffman asked about the status of the architect preparing the drawings for the Museum restroom. Ms. Hoffman was advised that the Committee will be discussing the matter in executive session.

*Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:38 p.m.*

**Resolution No. 40 -2016 –Executive Session**

*Motion by Mr. Schmidt, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2016 and convened in executive session at 7:39 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 40-2016  
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;

X 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.) **Share Services**

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: **Advice from Attorney – Public Safety**

\_\_\_\_\_ 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.

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.

## **ADJOURNMENT**

Having no further business to come before the Committee the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

\_\_\_\_\_  
Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 18, 2016

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Marc Laul, Mayor