

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
May 19, 2021**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of the First Responders and Servicemen and Women

ROLL CALL

Present - Mike Schmidt Tomas McKee Abe Abuchowski (via telecom)
 Beverly Koehler Marc Laul

Absent-

Also Present - Administrator James Barberio, Deputy Clerk Kimberly Jacobus, Attorney Matt Lyons and 7 members of the public.

PRESENTATION OF MINUTES

Minutes of the March 31, 2021 and April 1, 2021 Special Executive Meetings

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the March 31, 2021 and April 1, 2021 Special Executive Meetings.

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.

Ron Milkowski, Rocky Run Road, asked about the gutter repairs for the Museum.

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

ORDINANCES

Public Hearing - Ordinance No. 2021-05

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Hearing on Ordinance No. 2021-05.

Ron Milkowski, Rocky Run Road, questioned if the property was the old railroad tracks.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment.

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-05 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-05
AN ORDINANCE
TO ACCEPT A DONATION OF REAL PROPERTY**

WHEREAS, the Township has entered into a Donation Agreement with Allan B. Hodge and Terry E. Hodge, owner of property known as 248 Musconetcong River Road, Block 59, Lot 21, to donate such property to the Township for public purposes.

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

SECTION 1.

The Township of Lebanon hereby accepts the donation of real property known and designated as Block 59, Lot 21, to be used for public purposes.

SECTION 2.

The real property to be donated shall be valued at its current tax assessment of \$4,800.00.

SECTION 3.

The Mayor and Township Clerk are authorized to execute all such documents and instruments necessary to effectuate the aforesaid donation, and the Township Attorney is authorized to record any instruments appropriate for recording this transaction.

SECTION 4.

All ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5.

If any article, section, subsection, paragraph, phrase or sentence of this Ordinance is for any reason declared to be invalid, such declaration shall not affect the remainder of the Ordinance.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Public Hearing - Ordinance No. 2021-06 – Capital

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Hearing for Ordinance No. 2021-06.

There were no comments from the public.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the Public Hearing.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote the Township Committee adopted Ordinance No. 2021-06 Capital Ordinance as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2021-06

CAPITAL ORDINANCE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$622,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

Section 1. The Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") is hereby authorized to undertake the following public improvements and acquisitions in, by and for the Township: (A) undertaking the Road Resurfacing Program at various locations; (B) undertaking the Chip Seal Program at various roads; (C) acquisition of a loader with trailer for the use of the Department of Public Works - Streets and Roads; (D) undertaking various improvements to the Municipal Building; (E) acquisition of the following for the use of the Police Department: (i) body cameras; and (ii) an SUV; and (F) acquisition of the following for the use of the Fire Department: (i) a rescue sled; (ii) fire hose and nozzles; and (iii) turnout gear. Said improvements and acquisitions shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$622,000 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$622,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

RESOLUTION

Resolution No. 51-2021- Authorizing the Award of a Non-Fair and Open Contract for the Township of Lebanon for Appraisal Services

Mayor Schmidt stated that these are services required by the Tax Assessor, it's on an hourly basis when projects come up, mostly for appeal purposes when the Assessor needs the expertise of a licensed appraiser to support the valuation that the Township puts on mostly business properties.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 51-2021 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 51-2021**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE
TOWNSHIP OF LEBANON FOR APPRAISAL SERVICES**

WHEREAS, there exists a need for Attorneys, Engineers, and Professional Experts for the Township of Lebanon, and

WHEREAS, the Local Public Contracts Law (N.J.S. A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Mayor, Township Clerk are hereby authorized and directed to execute the agreements; and

WHEREAS, sufficient funds are available in the 2021 Municipal Budget for the Township of Lebanon for such services.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, on this 19th day of May, 2021 as follows:

1. Victor D. DiSanto, MAI is hereby appointed as Tax Appeals and Commercial Property Valuation Appraiser for the 2021 year.
2. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the

contract with Victor DiSanto and his firm Sterling DiSanto & Associates, LLC, for the year 2021.

OLD BUSINESS

DPW Manager's Request to Advertise for Full Time Mechanic/DPW Employee

Carry to the next meeting

DPW Manager's request to Purchase a 2021 John Deere 544P Loader

Carry to the next meeting.

Volunteer Picnic

There was discussion on what date to hold the picnic.

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Saturday, October 2, 2021 for the Volunteer Picnic.

ADMINISTRATOR'S REPORT

Basement

The Business Administrator has spoken to Mike McGinnis from R. K. Environmental. DPW Supervisor Gabriel will be starting the clean up process for the basement. The Township will be getting proposals for a new HVAC system.

IT Assessment

The Township needs to upgrade computers from Window 7 to Windows 10. The emails have been switched without too many glitches. Licenses have to be purchased for Word and other programs. The Administrator hopes that everything will be up to date by the end of the year.

Hazardous Mitigation

The Business Administrator has been working on the Hazardous Mitigation Annex. This has to be done every 6 years. The OEM Coordinator and Administrator have finished their part as well as the Engineer and Planner. Finance is the only one that needs to be completed, then it can be sent to the County for approval.

Table of Organization

The Administrator has been working on the Table of Organization, he still needs to speak with the Clerk and Police Chief. It should be done shortly.

NEW BUSINESS

Board of Adjustment Request to Reassign Board Members Positions

Mr. Andy Kozlowski resigned from the Board of Adjustment, which opens a regular position. Tom Sachs will be moved from Alternate #1 to the Regular position to fulfill the remainder of Mr. Kozlowski's term and Derek Porcino will move from Alternate #2 to Alternate #1.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the position changes for the Board of Adjustment as follows: Thomas Sachs to Class 4 Member and Derek Porcino to 1st Alternate.

Museum Roof Gutter Repair

The Museum has a roof dating back to 1870 and has Yankee gutters that are rotting. They need to be replaced. Three quotes were received.

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved hiring Rivers Edge Roofing at a cost of \$12,889.00 to fix the front and rear Yankee gutters at the Museum conditioned upon the CFO certifying that funds are available from the 2016 & 2017 Bond Ordinances.

Park-Playground

Eric Petrik, Chairman of the Park Committee and Drew DePalma came to seek approval for the installation of Phase 1 upgrades to the Memorial Park Playground. There was a fund drive and the money was raised for the purchase and installation of new playground equipment. There is no money coming from the Township, it is a donation from Friends of Memorial Park.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Phase 1 modification to the playground to replace the balance beam and authorized the DPW to remove balance beam and footings and large rock from the playground, with gratitude to the Friends of Memorial Park.

Gaga Pit

Mr. DePalma is donating a Gaga Pit. He explained the design of the "pit" and Ms. Koehler explained how the game is played. There was discussion on where it was to be located.

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved, the installation of the Gaga Pit in one of the locations to be determined either by the scoreboard or in the gazebo area, with gratitude to Mr. DePalma for the donation in honor of his mother.

The Township and Friends of Memorial Park would like to honor the Spatz and Ambielli families for all they do for us, specifically now for the volley ball courts.

Recycling Coordinator-Electronics Collection Event

The Committee would like to have more information regarding recycling tires. Tabled to the next meeting.

PRESENTATION OF VOUCHERS

Committee Members provided a description of vouchers exceeding \$1,000.00.

Motion by Mr. Abuchowski, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, the Township Committee approved the May 19, 2021 bill list in the amount of \$67,848.86.

CORRESPONDENCE

- a. Police Monthly Report
- b. April 2021 Animal Control Report
- c. Fire Department Report

PUBLIC COMMENTS

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

Kathryn Koch, Raritan River Road, stated that the Annual Well Testing Event would be on Saturday, May 22, 9 am to noon, drop off for the samples is on Monday. Ms. Koch asked if the Township could do florescent bulb recycling. Mr. Laul stated that there is a container called the "Bulb Munch" a 55-gallon drum that grinds the bulb.

Ron Milkowski, Rocky Run Road, stated that a better job is needed to be done for advertising of the dumpster clean up and as far has the tire recycling, the County just had theirs, most were without rims and an individual could bring up to 15.

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

EXECUTIVE SESSION

Resolution No. 52-2021 - American Tower-Contract Negotiations

It is expected that no action will be taken.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 52-2021 to go into closed session.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 52-2021**

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;

_____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.)

American Tower-Contract Negotiations

_____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: And whereas 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 a motion was made by Mr. Laul seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote to adjourn the meeting at 8:08 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: July 7, 2021

Mike Schmidt, Mayor