

**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.

**ROLL CALL**

|         |              |              |                  |
|---------|--------------|--------------|------------------|
| Present | Marc Laul    | Thomas McKee | Ronald Milkowski |
|         | Brian Wunder | Mike Schmidt |                  |

Absent- None

Also Present - Attorney Dick Cushing, Deputy Clerk Kimberly Jacobus and 12 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of May 18, 2016**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee approved minutes of the regular meeting of May 18, 2016.*

**Minutes of the Executive Session of May 18, 2016**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee approved minutes of the executive session of May 18, 2016.*

**PUBLIC COMMENTS – for agenda items only**

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

Mr. Anthony Casale questioned Ordinance No. 2016-06. Attorney Cushing explained how the ordinance was created. There was a statute created that allows the police to hold an individual that is under the influence for a certain amount of time or to transport that individual to an appropriate location. Most police departments do not want to hold someone because it diverts too much manpower in the department from

doing more important things. This provision authorizes the police department to take an individual to an appropriate facility either Hunterdon County, another police department or the Somerset County Jail which is now the holding place for prisoners from Hunterdon County. It gives the police department the ability to offload an individual to someone who is more suited to hold them.

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

## **ORDINANCES**

### **Ordinance No 2016-05- Capital Improvement**

#### **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 for Ordinance 2016-05.*

There was no public comment.

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

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2016-05 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2016-05**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY AUTHORIZING THE ROAD RESURFACING PROGRAM AND THE ACQUISITION OF A PICKUP TRUCK IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$340,000 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: (A) undertake the Road Resurfacing Program at various locations in the Township; and (B) acquire a new pickup truck, including original apparatus and equipment, for the use of the Department of Public Works – Streets and Roads. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$340,000 is hereby appropriated to the payment of the cost of the improvements 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 \$340,000 is

hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements 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.

## **Introduction**

### **Ordinance No. 2016-06-John's Law**

*Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2016-06 on first reading as entitled below.*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 2016-06**

**ORDINANCE FOR PROTECTIVE CUSTODY OF INDIVIDUALS ARRESTED FOR  
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

**Public Hearing to be held on June 15, 2016**

## **RESOLUTIONS**

### **Resolution No. 43-2016 – Liquor License Renewal – New Hampton Inn**

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 43-2016 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION NO. 43-2016  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES**

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2015-2016 year:

1019-33-005-002 THE NEW HAMPTON INN, INC. t/a New Hampton Inn  
23 Musconetcong River Road

## **OLD BUSINESS**

### **Winding Brook Lane and Pine Ridge Road**

Mayor Laul stated that this had been discussed at the last meeting. Since then the Township received a letter from the Township Engineer Steve Risse regarding Winding Brook Lane. The Mayor stated that he had a discussion with the DPW Supervisor as well. Mr. Wunder stated that it is an unusual set up that they have, he wanted to know if there was a creative way to give them relief, maybe plowing or salting without taking over the road for maintenance. Attorney Cushing stated that there is statutory authorization for a municipality if it chooses to do various levels of service for a private road. It could be anything from snowplowing to repairs or more than that if it is appropriate. The one factor that has to be kept in mind with respect to private roads, is the important principle that the Township needs to treat everybody that's in the same category the same way. What the Township does for one set of private roads will have to be done to similarly situate private roads because municipalities have to treat similarly situated groups in the same way. Mayor Laul stated that there are 74 private roads and lanes in the Township. Mr. Wunder asked how many thru-roads there were. Mayor Laul stated that he thought that there was 3 or 4 according to the DPW Supervisor. Mr. Wunder asked if there something that could be done by referendum in the future. Attorney Cushing stated that there is a way to put a non-binding referendum on the ballot. Mr. Wunder stated that the private road is used often during storms when power lines are down.

Mayor Laul is concerned about creating a problem with taking on other roads and there is the additional concerns with the waterway and the bridge that the County would have to accept. Mr. McKee stated his concern with the nature of the road and with the DPW plowing the road in adverse conditions because it is a considerably steeper grade road than most of the other Township roads and according to the summary written by the Township Engineer clearly states some of the pitfalls that this road has. Mr. McKee stated that this should be taken into consideration. Mr. Wunder asked how much steeper this road was compared to Valley View Road or Forge Hill Road.

Ms. Lorna Henderson, Secretary of the Road Association for Winding Brook, questioned what the recommendations from the Engineer were, did the road meet the codes? Mr. McKee told her no, it was not close. Mr. McKee stated that there were multiple reasons. The grade was one, the angle of entering and exiting was 55 degrees when they do not accept anything that is 45 to 90 degrees. Roads must be at the intersecting road between 65 and 90 and East Hill has been determined to be 55. The cartway is supposed

to be 20' and it is 18'. The culvert would not be taken over by the Township, it would be maintained by the County. From the Engineer's letter it seems that the road is not a Class II Local Road. The road would have to be brought up to those standards by the association and then the Township may consider accepting it.

Ms. Henderson stated that she wanted the Committee to understand the liability on their end when people do use it as a pass-thru because if someone gets into an accident, the insurance that they carry on the property is liable and that is a big fear of the people that pay into it. Mr. McKee suggested that maybe some kind of enforcement, a sign be put up stating this is a private road with the cost of the penalty to keep people from traveling the road. Ms. Henderson stated that they do have a sign that says "this is a private road, do not enter", but people do it all the time.

Mr. Schmidt stated that what he found interesting from the Engineer was, that if the Township accepts the road and there are accidents, the Township could be held liable for such accidents for accepting a road that is not compliant.

Ms. Henderson also stated that she did not have the statute in front of her, but Vicky Cole, Treasurer of the Association, has researched and found that there is some precedent, found that there is a stipend that can be given for snow plowing in some cases. Attorney Cushing stated that he thought she was referring to the Qualified Private Community Act. Basically it was setup for condominiums and other private qualified communities and if the community meets the statutory definition then the community would be entitled to come to the Township and ask either for the Township to pay for the plowing of the road or have the Township plow it. If the Township elects to have the Association do it, then the Association would get reimbursed for the rate that would be charged for use of the Township equipment and personnel. Attorney Cushing stated that they should have their attorney look at the Act to see if they meet the definition of Qualified Private Community.

Mayor Laul stated that it would be a huge liability to the Township if they took it over the road now. From his understanding, when he talked to a builder in the area, that in the 80's this was commonly done because it was a way to make the houses cheaper, they didn't have to put the money into the road, they could put it into the houses. 40 years later there are issues. Ms. Henderson stated that it is frustrating to pay the same taxes as everyone else when the road is used by other people. It is not strictly a private lane, they put up signs and can say that it is, but it is used by others. It is frustrating to have an outlaying of money every year for maintenance and snowplowing.

Attorney Cushing stated that if the Township is going to take on some obligations it should be done by ordinance and the Township should have the Engineer evaluate what the Township is going to have to do for other roads if they are going to take on this road. Attorney Cushing suggested to Ms. Henderson that if she sees people that she knows that are regularly using the road as a cut-through, she can ask the police to enforce the no trespassing signs that are on the property. Ms. Henderson stated that it happens mainly with emergencies and storm situations and people just come through because Sliker Road has a lot of trees come down or there are accidents and then it is used as a cut-through.

Mr. Brice Henderson, 665 Winding Brook Road, questioned what the options were, is it a referendum for the Township or selective plowing. Attorney Cushing explained that a referendum is a question that goes to the voters of the Township on the General ballot in November. It would ask a broader question than just for this road, should the taxpayers undertake the cost of a) accepting the ownership of all private roads or b)

should the taxpayers undertake maintenance obligation for private roads or thing of that nature. The general public would express its opinion.

### **DPW Manager Request for Summer Help Appointments**

A letter from DPW Supervisor Warren Gabriel was discussed regarding his recommendation for summer help. Mayor Laul stated that the employees would be paid for through the Clean Communities grant. Mr. Milkowski asked if Mayor Laul knew how long Mr. Gabriel planned on having them work. Mayor Laul did not know. The Committee decided that the summer help would be able to work for 9 weeks. If they were still needed after that, the DPW Supervisor could ask the Committee for more time.

*Motion by Mayor Laul, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Jeff Fulloon and Michael Ihling as summer help at \$16.00 an hour for 9 weeks.*  
AYES: Wunder, Schmidt, Laul, Milkowski NAYES: McKee

### **NEW BUSINESS**

#### **Melick's Town Farm – Farm Winery Outlet/Salesroom**

Melick's Town Farm sent a letter to the Committee informing them that they have made application to the State to be able to sell wine on their property at 472 Route 513.

#### **Chief Mattson-Retirement Duty Weapon**

Discussion was tabled.

#### **Social Media Policy**

Mayor Laul had a Social Media Policy drafted to have the Committee review. There are a lot of groups that are actively starting to utilize social media. Mayor Laul stated that Facebook can be used one way-to put out information, not to be used as a public forum. The Committee had a lengthy discussion on different ways that social media could be used. Attorney Cushing suggested that the Committee have Attorney St. Angelo come to a meeting to discuss the social media information as she know more about it.

#### **Fall Cleanup**

JoAnn Fascenelli gave the Committee information regarding fall clean up days. There would be dumpsters at the DPW building and the Clean Communities grant money would be used to pay for them. The Committee would like to do this but they do not know if there is enough money in the Clean Communities' grant with the summer help and the shredding event also coming out of it. The Committee would like to know what the costs would be for the dumpsters and manpower before they make a decision.

Mayor Laul state that the Green Team is doing a prescription drug disposal day. A Police Officer has to be present and it would be done here. By doing this, it gives the Township Green Team points towards Sustainable New Jersey and helps to get grant money.

### **Cancel July and August Meeting**

*Motion by Mr. McKee, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved cancelling the July 6 and August 3 meetings.*

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the approved bill list in the amount of \$2,560,566.28*

### **CORRESPONDENCE**

None

### **PUBLIC COMMENTS**

*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*

Mr. Anthony Casale stated his concerns regarding the fall cleanup and the social media policy. Mr. Casale stated that Washington Township has someone posting on facebook with information regarding road closings and that may be a site to look at. Mr. Casale stated that he was reluctant to talk about another subject. He stated that he is an elected County Official on the Republican Committee and there are 9 members in the room today and they don't all share the same opinion. Recently he has been the recipient of phone calls, texts, emails and letters regarding the opinions of the candidates or their opponents. It's no secret that he does not share the same opinion as some. He has a right to his beliefs, the newspaper prints their opinion about an incumbent being the epicenter of too many problems in the town. Mr. Casale weighs in with some of that because he has been here for a while. It's everybody's decision to decide which candidates to support. He finds it uncomfortable assuming that he takes a certain position when he didn't. Mr. McKee stated that he did not feel this was the place to discuss this.

Ms. Laurie Hoffman stated her concern with disposing of prescription drugs. The County has a box at the Courthouse that is available at any time. Ms. Hoffman asked if there is certain time when a Township Police Officer is always available in the building. Mayor Laul stated no, they can be called out at any time. Mr. Milkowski stated that the disposal of prescription drug program is something that the Township is going to look into. Mayor Laul said they can use it to get the added benefits for the Green Team who then

can get points for grant money. The Green Team would have to create a program on how to do it and make it reoccurring. Ms. Hoffman feels it's better to have the prescription drugs out of the house than to have it sitting around, prescription drug addiction is a big thing now.

Regarding the fall cleanup, in years past, the Township used to have dumpster days and residents paid so much per car load or truck load. She does not believe there was the money to subsidize it at that time and that was how residents were limited on how much they could bring, every time they went, they paid.

Ms. Hoffman thinks that the Township needs to advertise more which brings up social media. She feels Karen Newman could do posting for the Historian's story time. Ms. Hoffman would be able to email Ms. Newman and ask her to put on facebook that they were doing story time. Mayor Laul stated that this is why he wants to get it started now. Ms. Hoffman wanted a copy of the information from Attorney St. Angelo and Mayor Laul stated that he was going to email it to all the standing committees after the meeting. He is looking for input from the groups. Ms. Hoffman stated that when the Historians had set up a facebook page, it was a big thing. Now the Environmental Open Space does something on "slack". Ms. Hoffman asked if they shouldn't be told to cease and desist like the Historian were. Mayor Laul stated that they are managing it as a way to keep all their documentation filed. Ms. Hoffman stated that the Green Team has a facebook page. Mayor Laul stated that they do not fall under the same public sunshine laws. Ms. Hoffman wanted to know what the difference was. Mayor Laul explained that the Green Team was created by the State and by ordinance in the Township, it is not considered a public entity and does not have to follow the sunshine laws. Ms. Hoffman did not think it had anything to do with the sunshine laws when Attorney Cushing was telling the Historians they could not have their own facebook page. Ms. Hoffman stated that it was not the open public meetings that was the problem, the problem was the public's comments.

Regarding the summer help, Ms. Hoffman stated that during the budget hearings, the Committee was discussing using Open Space money to do maintenance for the park. Ms. Hoffman wanted to know if the money from Open Space could be used for the summer help. Mayor Laul stated that the Township has to come up with a plan for the use of the Open Space money. It is not money that is just there to be used.

Ms. Hoffman asked if the Police Chief had officially retired. Mayor Laul stated that he was 4 weeks from his retirement date. Ms. Hoffman wanted to know what the Committee was doing to replace him. Last year when the Committee thought he was retiring, there was a committee put in place. Mayor Laul stated that he and Mr. McKee are the committee.

Ms. Hoffman stated that at the last meeting, the Park Committee wanted to use Open Space money for something other than the repairing the basketball court. Mr. McKee stated that they want to use their own money for the repairs and wanted to use the Open Space money for another project. Mayor Laul stated that their concern was the time limitation with the Open Space money.

Mr. Bernie Cryan stated that in regards to the request for summer help, a length of time was discussed. He wanted to caution the Committee that they are still under the collective bargaining agreement, the CWA, and there may be guidelines in it on how long a person can work before they automatically transition to a full time employee. He asked that the Committee review that before they make a decision on how long they are going to have somebody work. He also stated regarding Winding Brook Lane, when the development was built, the builder chose not to follow the standards of the Townships road outline or the

County and was able to save a significant amount of money when the homes were built. The residents that live on Winding Brook Lane either benefitted directly or indirectly from the savings and for them to ask the Township to bring the road up to proper specifications is quite a task and Mr. Cryan is concerned about the message it may send out to other builders, that they can just build any type of road they want and the Township will take it over in a few years at a substantial cost to the taxpayers.

*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*

Having no further business to come before the Committee a motion was made by Mr. Milkowski seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 8:22 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Clerk

Approved: July 20, 2016

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Marc Laul, Mayor