

**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 for the citizens who were lost in the Orlando Florida terror attack.

**ROLL CALL**

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

Also Present - Attorney Dick Cushing, CFO Greg DellaPia, Clerk Karen Sandorse and 5 members of the public.

**PRESENTATION OF MINUTES**

**Tabled**

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

**ORDINANCES**

**Public Hearing**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2016-06 was opened.*

There were no comments from the public.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2016-06 was closed.*

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2016-06 as written 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

WHEREAS, pursuant to N.J.S.A. 39:4-50.22, commonly known as “John’s Law,” a law enforcement agency arresting a person for a violation of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs, may release said person to an individual summoned by the arrestee to transport or accompany the arrestee from the premises of a law enforcement agency; and

WHEREAS, in situations where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to N.J.S.A. 39:4-50.22, that the arrestee may present a danger to self or others if provisions are not made for the arrestee’s protective custody; and

WHEREAS, pursuant to N.J.S.A. 40:48-1.3, a municipality may enact an ordinance providing that person arrested for a violation of the provisions of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs, shall be held in protective custody at an appropriate police or other facility where the arrestee’s condition may be monitored until the arrestee is no longer a danger to himself or others, and that municipalities have additional authority under N.J.S.A. 40:48-1(34) to provide protective custody for persons arrested for operating a motor vehicle in violation of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs; and

WHEREAS, it is recognized that it is an inefficient use of police resources to require that protective custody be held at the police station, and that the Hunterdon County Jail, the Somerset County jail, the custody of the Hunterdon County Sheriff or such other places designated as places for holding arrestees could be a more appropriate facility within which to monitor the arrestee’s condition until the arrestee is no longer a danger to himself or others.

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

When an individual is arrested within this jurisdiction for operating a motor vehicle while under the influence of alcohol or drugs pursuant to N.J.S.A. 39:4-50, and where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to N.J.S.A. 39:4-50.22, the arresting officer or other designated police officer shall:

1. Make arrangements for the arrestee to be held in protective custody at an appropriate police or other appropriate facility as defined further herein until such time that the arrestee is no longer a danger to himself or others as defined in paragraph 2 of this Ordinance.
2. The officer or other individual holding the arrestee shall release the arrestee from protective custody when he is no longer a danger to himself or others, which is defined as when the arrestee’s blood alcohol level is less than .05% and that person is no longer

under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person's faculties are impaired.

3. The period of protective custody shall not exceed eight hours without providing the arrestee an appropriate hearing before the Municipal Court to determine if a protective custody period longer than eight hours is required in order to prevent the arrestee from being a danger to himself or others as defined in paragraph 2 of this Ordinance.
4. For the purposes of this Ordinance, an appropriate facility shall include a police station, the Hunterdon County Jail, the Somerset County jail, the custody of the Hunterdon County Sheriff or such other places designated as places for holding arrestees or, if the arresting officer deems appropriate, a school or hospital that has supervisory measures in place to ensure that the arrestee will not be released until such time that the arrestee is no longer a danger to himself or others as defined in paragraph 2 of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication according to law.

## RESOLUTIONS

### **Resolution No. 44-2016 – Fireworks Permit – AB Stainless**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2016 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 44-2016  
RESOLUTION GRANTING FIREWORKS  
PERMIT TO A&B STAINLESS VALVE  
AND FITTING COMPANY

WHEREAS, A&B Stainless Valve and Fitting Company has applied for a permit for public display of fireworks to be held on July 9, 2016 at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to A&B Stainless Valve and Fitting Company for the activity described in its application.

BE IT FURTHER RESOLVED that the Township Fire Official file copies of this Resolution and any other pertinent document with the appropriate New Jersey agency.

### **Resolution No. 45-2016 – 2015 Audit**

CFO Greg Della Pia stated that there is one recommendation noted in the 2015 Audit. The Township Auditor recommended that the Police Department checking account be closed. The account has now been closed and given to the finance office.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2016 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 45-2016  
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolution No. 46-2016 – Liquor License Renewal – The Rock Corporation of Tewksbury**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 46-2016 as written below*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 46-2016  
RESOLUTION RENEWING A PLENARY

RETAIL DISTRIBUTION LICENSE

WHEREAS, the listed Plenary Retail Distribution Licensee has submitted an application to the State of New Jersey Division of ABC; and

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

WHEREAS, the applicant has 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 License be granted a renewal for the 2016-2017 year:

1019-44-008-002      The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor  
425 Route 513, Califon, NJ

**Resolution No. 47-2016 – Liquor License Renewal - A T K Inc. t/a/ Tony’s Rest. and Pub**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 47-2016 as written below*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 47-2016  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted an application to the State of New Jersey Division of ABC; and

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

WHEREAS, said Licensee has 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 Licensee is hereby granted a renewal for the 2016-2017 year:

1019-33-001-002      A T K Inc. t/a Tony’s Restaurant & Pub, Califon, NJ

**Resolution No. 48-2016 – Liquor License Renewal - RADGNA – t/a Dellitorris Tuscany Grill**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 48-2016 as written below*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 48-2016  
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 2016-2017 year:

1019-33-003-004 RADGNA, L.L.C. T/A DelliTurrus Tuscany Grill 2012 Route 31

### **Resolution No. -2016 – Extension of License to Executrix**

**Tabled**

### **Resolution No. -2016 – Liquor License Renewal – Estate of Ledyard B. Schuyler Jr. – River Styx Inn**

**Tabled**

## **OLD BUSINESS**

### **DPW Summer Employee Appointment**

DPW Manager Warren Gabriel sent a letter to the Township Committee stating that Michael Ihling was appointed as a Summer Help Employee at the June 1, 2016 meeting; however, Michael has now decided not to accept the position. Mr. Gabriel is now asking the Committee to appoint Gary Magyar to the position of Summer Employee at a rate of \$16.00 per hour.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the request of the DPW Manager to appoint Gary Magyar to the position of Summer Help Employee at a rate of \$16.00 per hour. The appointment is from the present time through Labor Day.*

### **Patrolman Firearm Retirement**

Police Chief Mattson has requested that Retired Officer Dennis Smith be awarded with his duty weapon in honor of his retirement and years of service. Attorney Cushing stated that there are provisions that enable the Township Committee to provide awards to municipal employees, volunteers, etc. The statute requires that an ordinance be adopted and a committee created pursuant to such. The committee will be responsible to create standards for the giving of an award.

Mr. Schmidt asked Mr. Cushing if there is a liability limitation that the Township should take when awarding a duty weapon to a retiring officer. Attorney Cushing stated that an Indemnification Agreement could be entered into when awarding the weapon to the officer.

The Committee asked Attorney Cushing to provide them with further information on how to establish the Awards Committee and what their responsibilities would be. Attorney Cushing stated that he will provide the Committee with standard ordinances for them to review and then decide what language they would like written in the Township's ordinance.

### **Librarians Request**

Mr. Schmidt stated that a few meetings back the Library Committee requested approval in having one of the Assistant Library Clerks switch positions with one of the Alternate Assistant Library Clerks. The reason for the request is that the Assistant would like to decrease her hours. Mr. Schmidt stated that in the CWA Contract there is a specific article that covers promotions. The article states that promotional positions need to be posted for at least 10 days working days.

*Motion by Mayor Laul, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to post the position of Assistant Library Clerk.*

### **NEW BUSINESS**

#### **Groendyke Insurance – Matt Bonaventura**

Mr. McKee stated that there has been discussion on the Township's Indemnification Ordinance. Mr. Matt Bonaventura of Groendyke Insurance was present to answer any questions that the Committee has relative to items that are excluded from the Township's Insurance Policy.

Mr. McKee stated that the Committee had been reviewing the Township's Indemnification Ordinance and discovered that it is very narrow in its shield. The Committee now has to determine if the ordinance should be expanded. The question was then raised as to when the Township's Professional Liability Insurance begins and ends with regard to the employees and volunteers. Mr. Bonaventura stated that in order to know exactly what the exclusions are in the Policy someone would have to read through the many pages and components of the Policy. Mr. Bonaventura stated that; provided that any type of work is being conducted on behalf of the Township, Department or Committee and the members of those units are appointed by the Township and are acting in the scope of said requirements, they will be afforded with coverage under General Liability and Professional Liability. Mr. Bonaventura stated that it is important to ensure that all individuals are acting within the scope of their duties. An individual cannot act on their own without the Township's knowledge, even if it is with the best intentions. They need to be directed to do so.

Mr. Bonaventura stated that those who are insured under the Policy would be; the named insured (Township), any full or part-time employee, elected or appointed official, or any person while serving as a member of a professional board, commission or committee, or as the person in charge of providing any directives of any such board, committee, commission, estate heirs or legal representatives or assigns of a deceased person who was insured at the time of the wrongful act, the legal representatives for assigns of the insured in the event of the insured's incompetency, and

volunteers.

Discussion was held on liability coverage for groups that are not appointed by the Township Committee but provide a good service to the Township; such as the Green Team. Mr. Bonaventura stated that the words written in the Policy are important and should be followed as they will be discussed if a claim should arise. Mr. Bonaventura stated that the Committee may want to consider appointing the groups that provide support to the Township so it is clear as to who is directing the labor and the status of the entity.

Ms. Laurie Hoffman stated that her husband does gardening work at the Municipal Office on his own and questioned if he would be covered. Mr. Bonaventura stated that the Township Committee would have to authorize Mr. Hoffman to do the gardening.

Mr. Schmidt asked where the exclusions fall relative civil rights, liable and slander. Mr. Bonaventura stated that these types of things are excluded under the Professional Liability; however, they are covered under the General Liability. There is some overlap in the Policies.

Mr. Schmidt questioned what items would be excluded from the Liability Insurance but be covered under the Indemnification Ordinance. Mr. Bonaventura stated that he could not comment on the Indemnification Ordinance because it is beyond his realm. Attorney Cushing stated that it may be possible that the Township's ordinance was structured the way it was because the Governing Body and the Boards were concerned about being sued in Land Use matters. They may have been concerned that the insurance would not cover all of the claims in the Land Use cases.

Mr. Bonaventura stated that for a volunteer, an injury requiring medical treatment would not be covered under the General Liability or the Worker's Compensation Policy. The Township can; however, obtain insurance for Group Accident Coverage. The coverage would act as a secondary insurance.

Mr. Bonaventura will provide the Committee with a list of all of the exclusions in the Township's Insurance Policy.

### **Authorize Police Chief to Advertise for Patrolman Position**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote,* the Township Committee authorized the Police Chief or the Office in Charge to advertise for two patrolman positions until the position is filled.

### **Recycling Coordinator Memo – Electronics Collection Event**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote,* the Township Committee approved Advance Recovery's Option #1 for the Township's Electronic Collection Event at a cost of \$3500.00, as outlined in JoAnn Fascenelli's June 3, 2016 correspondence.



**Ms. Beverly Koehler Correspondence – Request to Donate Historical Publication**

Ms. Beverly Koehler informed the Committee that she attended a Historian’s meeting and they were discussing the large quantity of Township’s history books that they have on hand and what to do with them. Ms. Koehler stated that she did some research and found that the Genealogy

Department in the Library of Congress is interested in obtaining two copies of the book. Ms. Koehler noted that there is a possibility that the book will be digitized or may be left as a hard copy in the Library. Ms. Koehler told the Committee that there is a copyright in the book saying that the book cannot be reproduced without the permission of the Bicentennial Committee. Since the Bicentennial Committee no longer exists, Ms. Koehler asked for the Committee’s approval for her to send the book to the Library.

The Committee thanked Ms. Koehler for her efforts.

**Resolution No. 49-2016 – Donation to Library of Congress**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 49-2016 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 49-2016

WHEREAS, in order to celebrate the Bicentennial of the United States, the Township of Lebanon, Hunterdon County, New Jersey, created a Bicentennial Committee; and

WHEREAS, once the Bicentennial celebrations were completed the work of the Bicentennial Committee ended; and

WHEREAS, as part of the celebrations of the Bicentennial, the Bicentennial Committee created a book entitled, Lebanon Township 200 Years and Historical Retrospect of Lebanon Township NJ, and

WHEREAS, the Township wishes to authorize the Library of Congress to accept a copy of the book without any restrictions under any copyright that may be claimed by the Township.

NOW, THEREFORE, BE IT RESOLVED, that two copies of Lebanon Township 200 Years and Historical Retrospect of Lebanon Township, NJ are authorized to be sent to the Library of Congress.

**Musconetcong Watershed Association – Stormwater Education Program**

**Tabled**

**Library Committee Resignation – Georgia Cudina**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Georgia Cudina from the Library Committee, effective May 2, 2016, with sincere regret.*

### **Police Chief's Request to Purchase Police Vehicle**

The Police Chief is requesting to lease/purchase a 2017 Ford Expedition SSV 4x4 to replace the 2012 Chevy Tahoe, 19-11, which will be retired.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to lease /purchase a 2017 Ford Expedition SSV 4x4 from Beyer Ford at a cost of \$39,344.00.*

### **Municipal Office Gazebo**

Mayor Laul stated that the gazebo at the Municipal Office, which was dedicated in honor of Past Clerk Claire Weightman, is in major disrepair. Mayor Laul stated that he feels that the gazebo is now a safety hazard and requested that the plaque be removed and the gazebo be taken down. It will be determined, in the future, how the Township will honor Ms. Weightman.

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW to take down the gazebo and to salvage the plaque.*

### **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 June 15, 2016 bill list in amount of \$84,833.19.*

### **CORRESPONDENCE**

Tax Collector's Report for the Month of June 3, 2016  
Library Committee's May 11, 2016 Meeting Minutes

Mr. Schmidt stated that relative to the Library Committee minutes, they refer to Ada Roth stepping down from her part time position; however, Ada holds an hourly position and the minutes should reflect such.

### **PUBLIC COMMENTS**

*Motion by Mr. Schmidt seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:08 p.m.*

Ms. Laurie Hoffman asked if Mr. Victor Hoffman should come up and pull weeds at the Municipal Office.

*Motion by Mayor Laul, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized Victor Hoffman to conduct miscellaneous gardening on Township property.*

Ms. Laurie Hoffman asked if it is acceptable to give away Township Property. Mayor Laul stated that the ordinance which the Committee discussed earlier in the meeting will allow for this.

Ms. Hoffman stated that the gazebo is part of the memorial gardens and money was donated from Claire Weightman's family for it. Ms. Hoffman stated that she would like to see the gazebo replaced.

Ms. Hoffman asked if there was official notice that the Police Chief is retiring and if the Township will be doing something in honor of his retirement and years of service.

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:12 p.m.*

**Resolution No. 50 -2016 –Executive Session**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 50 -2016 and convened in to executive session at 8:13 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 50-2016**

**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;

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.) **Police Position**

\_\_\_\_\_ 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:  Union Contract CWA \_\_\_\_\_ 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.

The Township Committee reconvened the Public Meeting at 8:37 p.m.

### **Resolution No. 50A -2016 – Appointing an Officer in Charge**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 50A -2016.*

RESOLUTION NO. 50A-2016  
RESOLUTION APPOINTING OFFICER IN CHARGE

WHEREAS, Lebanon Township Chief of Police Chris J. Mattson is retiring effective July 1, 2016; and

WHEREAS, it is the desire of the Mayor and Committee to facilitate an orderly and efficient transition of the leadership of the Township Police Department while the Township undertakes the process set forth in Ordinance §77-24, which requires review of applications and interviews of potential candidates for the position of Chief of Police; and

WHEREAS, it has been determined by the Township Committee that Sergeant John (Jack) Gale is qualified to act as the Officer in Charge until such time that a permanent Chief of Police is appointed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that, effective July 1, 2016 Sergeant John (Jack) Gale be appointed as the Officer in Charge of the Lebanon Township Police Department, and shall serve in such capacity without increase in compensation for his service; and

BE IT FURTHER RESOLVED that said appointment is temporary only, such that no rights attendant to permanent appointments shall attach or inure to the benefit of Sergeant John (Jack) Gale.

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. McKee seconded by Mr. Schmidt and carried by unanimous favorable roll call vote to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: July 20, 2016

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Marc Laul, Mayor