

**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 our Servicemen and Women.

**ROLL CALL**

Present -	Mike Schmidt	Thomas McKee	Brian Wunder
	Marc Laul	Beverly Koehler	

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 8 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Session Meetings of June 19, 2019**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of June 19, 2019.*

**Minutes of the Special Meetings of June 20, 2019 and July 9, 2019**

Tabled to Executive Session for discussion on the July 9, 2019 Executive Session minutes.

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

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

## **ORDINANCES**

### **Introduction**

#### **Ordinance No. 2019-06 – Creating the Office of Administrator of the Township of Lebanon**

Ms. Koehler raised questions regarding the voting process for the appointment and removal of the Administrator. Ms. Koehler stated her concerns with a Committee members eligibility to be appointed as the Administrator one year after their term in office has ceased.

Mr. McKee asked that if the Township does not choose to fill the Administrator position, do they have to take action annually to transfer the powers back to the Committee. Attorney Lyons said that the powers are the Committee's unless delegated. There would need to be a formal resolution stating that the office is vacant if a seated Administrator resigns or is released from their duties.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee amended Section 6; Temporary Appointment During Absence or Disability to add, in the last section; "No current member of the Township Committee shall be eligible to serve under this provision". AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder*

Mr. Wunder asked if the final cost for the Administrator has been determined. The Mayor said that the cost has not been determined thus far.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee amended page 7, Sub Section 8.3, Item f., the word "case" becomes "cash" and Item g. is to be excised in its entirety. AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder*

Ms. Koehler asked for clarification on the term, Public Improvements, and the need for a Surety Bond.

Ms. Koehler said that the Ordinance is an extremely comprehensive document and questioned if someone can do the job on a part time basis. Attorney Lyons noted that he made it very comprehensive for the Committee to consider all.

Mr. Wunder stated that he feels that the position will take away the small-town character and it will never go back to the way it was.

*Motion by Mr. McKee, seconded by Mr. Laul, and carried by favorable roll call vote, the Township Committee approved Ordinance 2019-06, on first reading, as entitled below with changes as previously noted. AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 2019-06  
AN ORDINANCE CREATING THE OFFICE

OF ADMINISTRATOR OF THE TOWNSHIP OF LEBANON,  
PRESCRIBING THE TERM AND DUTIES THEREOF,  
AND PROVIDING FOR APPOINTMENTS THERETO  
AND COMPENSATION THEREFORE

**Public Hearing to be held on August 7, 2019**

**RESOLUTIONS**

**Resolution No. 65-2019 – Wastewater Management**

Tabled.

**Resolution No. 66-2019 – Extending Tax Grace Period**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 66-2019 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 66-2019  
EXTEND AUGUST 2019 GRACE PERIOD

WHEREAS the certified 2019 tax rate has been delayed from the Tax Board of Hunterdon County, and

WHEREAS the rate is needed for the property tax bills to be printed, and

WHEREAS there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged,

THEREFORE BE IT RESOLVED, that pursuant to New Jersey State Statutes, the payment without interest for the third quarter 2019 taxes will be extended to at least twenty-five days from the mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1<sup>st</sup>, 2019.

**Resolution No. 67-2019- Entering into an MOU with the American Red Cross**

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 67-2019 as written below.*

RESOLUTION NO. 67-2019  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE AMERICAN RED CROSS AND THE TOWNSHIP OF LEBANON

WHEREAS, the American Red Cross is one of the leading emergency response organizations in the United States; and

WHEREAS, the preparing, responding and recovery from emergencies and disasters is provided for by the Township of Lebanon and the Office of Emergency Management with the assistance of the Red Cross; and

WHEREAS, the Red Cross wishes to enter into a Memorandum of Understanding, with the Township, in order to define a working relationship between the two agencies; and

WHEREAS, the OEM Coordinator has recommended that the Township Committee authorize the execution of a Memorandum of Understanding between the American Red Cross and the Township of Lebanon to provide a framework for cooperation and support between the Red Cross and the Township's Office of Emergency Management.

NOW THEREFORE IT BE RESOLVED that the Township Committee of the Township of Lebanon, does hereby authorize the Mayor and Township Clerk to execute a Memorandum of Understanding between the American Red Cross and the Township of Lebanon, in the form attached hereto.

**Resolution No. 68-2019- NJDOT Hollow Road Beam Guide Rail Replacement Project**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 68-2019 as attached.*

Mayor Schmidt thanked the DPW Manager Warren Gabriel for his efforts in working with the Township Engineer to apply for DOT grants. The Township has received three grants in the past three years, which are competitive grants.

**OLD BUSINESS**

**Reconstruction of Mechanics Bay Floor Contract**

Ms. Koehler asked questions regarding exposures for the Township and Change Orders. Discussion was held. Ms. Koehler suggested holding a pre-construction meeting.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved the Reconstruction of the Mechanics Bay Floor Contract with A-Tech Concrete Co., in the amount of \$77,000., and authorized the Mayor and Clerk to sign. AYES: Laul, Koehler, McKee, Schmidt NAYS: Wunder*

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee directed the Township Engineer that any Change Order increase of 1% or greater, with a cost increase, is to come before the Committee for approval.*

### **Zoning Officer Agreement**

The Zoning Officer has requested a change in his work hours. The Committee met with the Zoning Officer and the Union has been notified. The Union responded with comments relative to overall negotiations.

The Zoning Officer will now have office hours, for the public, on Wednesdays, 8:00 a.m. to 12:00 p.m. and Thursday evenings, 4:00 p.m. to 8:00 p.m., as well as two additional hours of field work per week. The change in hours will become effective on August 1, 2019.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Zoning Officer's Agreement and authorized the Mayor and Clerk to sign.*

### **Change of Tax Assessor's Office Hours**

In order to have multiple employees in the building during the evening hours the Tax Assessor has agreed to move her hours also.

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Tax Assessor's hours as Thursday evenings, 5:30 p.m.– 8:00 p.m. or by appointment, effective August 1, 2019.*

Mayor Schmidt informed all that the Tax Assessor will be in the office during daytime hours the last week of July to assist with the submissions of Farmland forms.

### **Bunnvale Engineering Proposal**

There is a stormwater runoff problem in front of the Bunnvale Library, at the corner of Bunnvale Road and County Road 513. Engineer Steve Risse and DPW Manager Warren Gabriel studied the area and provided a recommendation at the last meeting. The Committee had then asked for additional information or clarification. Through prior initiatives to correct the problem, remarks from the County and residents indicated that the property maybe a wetlands area. Engineer Risse informed the Committee that the way in which to confirm if it is wetlands is to apply to the NJDEP for a General Permit #6. The Township can then conduct the work with authorization in place. The process in applying for the permit is estimated to cost approximately \$8000. There may be an option to acquire a grant from the Highlands Council to help in offsetting the cost.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized a budget of \$8000 for the permitting and design fees for resolving the Bunnvale Library water issue.*

### **NEW BUSINESS**

#### **Wendy and Jonathan Brown – 224 Maple Lane**

Mr. and Mrs. Brown were present to inform the Committee of an ongoing issue that they are having with stormwater on their property. The Browns had previously come to the Committee in 2010

regarding the water issues. There is a pipe coming onto the property, which has been there for years; however, no one knows how it got there. The neighbors have a ditch that has not been maintained so water is coming over the road onto their property from this also. The Browns said that in the past the Township Engineer came to their property and put together a project plan. All parties involved were going to contribute \$6000 each to correct the issue but it never moved forward. Discussion was held.

Attorney Lyon's office may have a conflict with the matter so Attorney John Gallina may be asked to provide legal counsel for the Township as he has in the past.

The Mayor informed the Browns that a Committee representative will be in touch to let them know how the Committee will be proceeding.

### **Update of Open Space Ordinance**

Mayor Schmidt stated that the Open Space Ordinance has not been updated in sometime. The State permits seven different uses of the Open Space Funds; however, the Township's Ordinance only provides for four. Mayor Schmidt informed that Committee that in order to amend the Ordinance it must be done through a Referendum. Mayor Schmidt would like to modify the Open Space Ordinance to include the Development of Lands Acquired for Recreation and Conservation Purposes, Historic Preservation of Historic Properties, Structures, Facilities, Sites, Areas or Objects, Acquisition of such Properties, Structures, Facilities, Sites, Areas or Objects for Historic Preservation Purposes, as well as Blue Acres, which is for the remediation of flood prone properties. In order to modify the Township's Ordinance, the Referendum Resolution and Interpretative Statement will need to be received by the County Clerk no later than August 16, 2019 to be placed on the November 2019 ballot.

Mayor Schmidt informed the Committee that if all agree, the Township Attorney will draft a Ballot Resolution and Interpretative Statement to be placed on the next meeting agenda for consideration.

### **Shared Service Agreement with North-Hunterdon-Voorhees School District- SLEO**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Shared Service Agreement with North-Hunterdon-Voorhees School District for Special Law Enforcement Officer's and authorized the Mayor to sign.*

### **Shared Service Agreement with Lebanon Township School District – Grounds Maintenance**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a Shared Service Agreement with Lebanon Township School District for Grounds Maintenance and authorized the Mayor to sign.*

### **VFIS Accident Policy for Paid Fire – EMS Employees**

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the cost of \$1308.00 for VFIS Insurance for the paid Per Diem EMS employees.*

### **Fire Chief Rob Pek – EMS Program Update**

Mayor Schmidt read the following statement from the Fire Chief.

*July 1st at 6am LTFD EMS program officially started. Between the hired per diem staff and our volunteer members we have staffed the ambulance 24 hours a day. Thus far, ems personnel have been completing daily chores on the firehouse, inspected and cleaning equipment, and developing goals to better our services to the community. Since the start of this program our ems response times have dropped to less than one minute and our fire response had also dropped to around two minutes. Massive improvement from where we were three months ago. One major highlight would be our mutual aid response into high bridge for a reported house fire. Myself and the qualified firefighters on duty for ems were able to respond with an engine within 2 minutes. We arrived on scene in high bridge as the third apparatus, the crew went right to work in side the dwelling. The was saved by all efforts and quick response by all. Timing is everything in any emergency and I stand with pride for this department that we are able to help not only our residents but surrounding communities in need in a timely efficient manner.*

*We spoke highly of this program and it's benefits and I will state, it's going to exceed our expectations. It's important to recognize this program would be very difficult without the support of the township committee.*

Mayor Schmidt informed the Committee that the Fire Department has complied with all State requirements but have not received their certification to date. They have had to absorb the cost for the service for the past 17 days.

### **YMCA Active Older Adult Center Request for Donation**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a donation of \$4500 to the YMCA Active Older Adult Center.*

### **Social Affair Permit – Friends of Memorial Park – Event Date 9/28/2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for the Friends of a Memorial Park for an event to be held on September 28, 2019.*

### **Administrator Hiring**

Mayor Schmidt stated that in the event that the Township hires an Administrator there will be a need to rearrange the office structure. Discussion was held on using the office behind the Planning Board Office. Mayor Schmidt said that there will be costs associated with the transition and would like to obtain cost estimates.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved obtaining a cost estimate for the restructuring of the Municipal Office and furniture for the possible hiring of a Township Administrator.*

### **Recreation Camp Out and a Movie**

Ms. Koehler said that on Friday, July 12, 2019 the Recreation Commission held a Camp Out and Movie in the Park. It turned out to be a beautiful night with 115 campers in attendance and an additional 100 people who came to see the movie.

Ms. Koehler thanked the Recreation Commission, the Friends of Memorial Park, Cub Scout Pack 92 and Darin McDowell for all of their efforts.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the July 17, 2019 bill list, w/addendum, in the amount of \$195,487.95*

### **CORRESPONDENCE**

- a. Quakertown Fire Company Letter of Appreciation
- b. Ss. Peter & Paul R. C. Church – 4 Day Walking Pilgrimage
- c. Lebanon Township EOSC May 6, 2019 Meeting Minutes
- d. Tax Collector's Report for the Month of June
- e. Curator's Report

### **PUBLIC COMMENTS**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:48 p.m.*

Mr. Joe Maurizio asked to be copied on any correspondence to the American Red Cross regarding the approved MOU.

Mr. Ron Milkowski questioned the internet service cost for the new phone system.

Mr. Milkowski noted that the Township needs an Administrator; times have changed and he is glad they are moving forward.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:52 p.m.*

**EXECUTIVE SESSION - Resolution No. 69 -2019**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 69-2019 and convened in executive session at 8:54 p.m. Action may be taken.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 69-2019**

**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: **July 9, 2019**

**Executive Minutes**

\_\_\_\_\_ 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.)

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: **Maple Lane Drainage Issue**\_\_\_\_\_

\_\_\_\_\_ 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.);

  X   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 9public 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: **July 9, 2019 Executive Minutes**

\_\_\_\_\_ 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.

Public Meeting reconvened at 9:30 p.m.

### **Minutes of the Special Meetings of June 20, 2019**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of June 20, 2019.*

### **Minutes of the Special Meeting of July 9, 2019**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special Meeting of July 9, 2019.*

### **Minutes of the Special Meetings of July 9, 2019**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the July 9, 2019 Special Executive Session as amended in tonight's executive session.*

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:31p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: August 7, 2019

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Mike Schmidt, Mayor