

**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 Meetings Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Laul asked everyone to please stand for the Flag Salute and for a moment of silence in honor of our Servicemen and Women.

**ROLL CALL**

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

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 7 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of July 5, 2017**

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee tabled the minutes of the July 5, 2017 Committee meeting.*

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

Mayor Laul stated that he received emails regarding the Public Comment portion of the meeting so he asked Attorney Cushing to clarify the process. Attorney Cushing stated that Public Comment during a meeting is a statutory requirement that must be provided at every meeting. There is no limitation on what subjects can be discussed but it is hoped that they would consist of relevant Township business. Attorney Cushing noted that the purpose of the Public Comment session is to give the public the means to present their issues to the Township Committee. The Township Committee does not have an obligation to respond but may do so. Attorney Cushing said that there can be a time limit imposed; however, if it is not followed issues can arise. Mr. McKee asked if it is acceptable to limit the first Public Comment, at the meeting, to agenda items only. Attorney Cushing informed Mr. McKee that it is acceptable and not uncommon.

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

No Comments from the public

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

## **ORDINANCE**

### **Public Hearing – Postponed to the August 2, 2017 Committee Meeting.**

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON  
ORDINANCE NO. 2017-04

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 \$382,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.

## **RESOLUTIONS**

### **Resolution No. 75-2017 - Extend August 2017 Grace Period**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 75-2017  
EXTEND AUGUST 2017 GRACE PERIOD

WHEREAS the certified 2017 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 N.J.S.A. 54:4-66 et seq., the payment without interest for the third quarter 2017 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>, 2017.

**Resolution No. 76-2017 - Renewing Plenary Retail Consumption License – Onorosa Inc.**

**Tabled**

**Resolution No. 77-2017 - Renewing Plenary Retail Consumption License- River Styx Inn**

**Tabled**

**OLD BUSINESS**

**Memorandum of Understanding – Friends of Memorial Park**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote,* the Township Committee approved the MOU with the Friends of Memorial Park and authorized the Mayor and Clerk to sign.

**Ambulance Purchase**

Fire Chief Crampton stated that the Fire Department is comfortable with the proposal provided by Ambulance Network, Inc., for an Osage ambulance, in the amount of \$215,933.00. The ambulance will be purchased through the Houston Galveston Coop.

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote,* the Township Committee rejected all ambulance bids received on the grounds that a better price was found.

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote,* the Township Committee approved the bid submitted by Ambulance Network, Inc., in the amount of \$215,933.00 and for a voucher to be prepared, pending formal authorization from the Township Attorney, relative to purchasing through an out of state coop, Houston Galveston Coop.

**Museum Addition**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote,* the Township Committee approved the bid package release date, for the rebid for the museum, as August 3, 2017, bid opening will be held on September 12, 2017 and all bids will be considered for award at the September 20, 2017 Committee meeting. The start date will be sixty (60) days after award of the bid, with the completion date being two hundred and forty (240) days from the Contractor's receipt of the written Notice to Proceed. The pre-conference date is to be determined.

## **LT Environmental and Open Space Appointment**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee endorsed Mayor Laul's appointment of Marty Collett to the LTEOSC, as Alternate #2, term expiring 12/31/2018.*

## **NEW BUSINESS**

### **Funding Agreement/Agreement for Assignment of Right to Interests In Real Property – 97 Redmill Road**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Funding Agreement/Agreement for Assignment of Right to Interests In Real Property for 97 Red Mill Road and authorized the Mayor and Clerk to sign.*

The Construction Department will oversee the demolition of the structures on the property.

All Green Acres restrictions will apply to the property as would be with any purchase made with open space funds.

### **DPW – Red Mill Road Paving**

Due to the decrease in asphalt prices the DPW will now be able to pave Red Mill Road, from Newport Road to Forge Hill Road. The project will be done on the same budget that was proposed to cover the cost of half of the roadway, Newport Road to Mt. Airy Road.

### **Recycling Day**

The recycling dumpster was not delivered for July's recycling day. The dumpster will be delivered on Friday for this weekend's recycling drop off.

### **JCP&L**

The Mayor met with Stan Prater of JCP&L regarding the street lights in the Township. Mr. Prater provided a list of street lights but he still needs to confirm that they are all in the Township. The Township may see a savings with the new lighting.

### **Fire Official Gary Apgar – Non-Life Hazard Inspections –**

Fire Official Gary Apgar was present to discuss fees for Non-Life Hazard Use inspections which are required by the State. Mr. Apgar and the Committee reviewed fee schedules from other municipalities for comparison purposes. Mr. Apgar provided the Committee with information on the Non-Life Hazard inspection requirements and the process.

The Committee decided to wait until the end of one full year of Non-Life Hazard inspections to see if the current fees are appropriate to cover costs.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee will keep the fee structure as is and authorized the Fire Official to conduct Non-Life Hazard Use inspections.*

### **Fire Inspector Position**

The question was raised at an earlier meeting on whether there is a need for the Township to adopt an ordinance in order to appoint a Fire Inspector to assist the Fire Official. Township Ordinance, Section 214-7c, provides for such hiring; however, the salary ordinance will need to be amended.

### **Fire Official Gary Apgar - Fire Works Permit Fee Apportioned**

The Fire Official suggested to the Committee that a portion of the fees collected for Fire Works Permit be provided to the Fire Department as they provide stand-by services for the event. A portion of the fee cannot be provided to the Fire Department because there is no provision in the law to permit the transfer of the money collected for permit fees.

### **JoAnn Fascenelli – Fall Town Wide Clean Up**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the Fall Town Wide Clean Up to be held on October 21, 2017. The cost for the event will be covered by the Clean Communities Funds.*

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the July 19, 2017 bill list, in amount of \$ 68,434.34.*

## **CORRESPONDENCE**

- a. NJDEP – Green Acres Project No. 1019-17-054 – Approval of Green Acres Matching Grant
- b. Tax Collector’s Report for the Month of June 2017

## **PUBLIC COMMENTS**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:04 p.m.*

Mr. Bernie Cryan recommended that a project timeline be requested as part of the bids specifications for the museum bathroom.

*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 at 8:06 p.m.*

## EXECUTIVE SESSION

### Resolution No. 76 -2017 –Executive Session

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 76-2017 and convened in executive session at 8:15p.m.*

It is not anticipated that action will be taken when the Public Meeting is reconvened.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 76-2017  
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: \_\_\_\_\_); **CWA Local 1040**

\_\_\_\_\_ 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: **Mid-Atlantic Salt Litigation and Contract Negotiations – NHVRHS District for certain matters.**

X   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.

\_\_\_\_\_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:

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.

The Township Committee reconvened the public meeting at 9:27 p.m. The Committee amended the items to be discussed in executive session to include contract negotiations with North Hunterdon Voorhees High School for certain matters.

## **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Mckee, and carried by unanimous favorable roll call vote, to adjourn the meeting at 9:28 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: August 2, 2017

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Marc Laul, Mayor