

**Lebanon Township Committee
August 16, 2017**

Minutes of Regular Meeting

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 resident Randall Smith who tragically passed away recently.

ROLL CALL

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

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of July 5, 2017

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee authorized the Clerk to rewrite the July 5, 2017 and all future minutes in a summary form. AYES: Koehler, Laul, McKee, Schmidt NAYS: Wunder

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the webmaster to post all of the 2017, and all future Township Committee meeting audios, on the webpage. The audios are to be posted, as soon as possible, following each meeting.

Minutes of the Regular Meeting of August 2, 2017

Motion by Mr. McKee seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of August 2, 2017.

Minutes of the Executive Session Meeting of August 2, 2017

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of August 2, 2017.

PUBLIC COMMENTS – for agenda items only.

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.

Mr. Bernie Cryan said that the Mayor did a good thing in having the audio file on the webpage for the residents to access.

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

Public Hearing – Ordinance No. 2017-05

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-05 was opened.

There were no comments from the public.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-05 was closed.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2017-05 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2017-05

AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE XVII OF CHAPTER 7 OF
THE TOWNSHIP CODE REGARDING SPEED RESTRICTIONS ON CERTAIN STREETS

WHEREAS, the Township Engineer prepared and submitted an Engineering Study dated June 19, 2017 analyzing a sampling of roadway speed study data obtained by the Lebanon Township Police Department during the fall of 2016; and

WHEREAS, the final recommendation of said Engineering Study is that speed limits should be set for certain Township roadways and that speed limit signs should be installed; and

WHEREAS, the Township of Lebanon finds it in the interest of public safety to establish speed limits for both directions of traffic along the roadways listed below pursuant to N.J.S.A. 39:4-8.b; and

WHEREAS, the Township Engineer’s Engineering Study states that the proposed speed limits meet the requirements of the Federal Highway Administration (FHWA) *Methods and Practices for Setting Speed Limits Publication FHWA SA-12-004* as required by N.J.S.A. 39:4-8(b); and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon that Schedule XVII of Chapter 7 of the Code of the Township of Lebanon is hereby amended as follows:

SECTION 1. Chapter 7, Schedule VII entitled “Speed Limits” of the Code of the Township of Lebanon is amended by adding the following:

Name of Street	Direction	Speed Limit (mph)	Location
Dutch Hill Road: Zone 1	Both	25	Dutch Hollow Rd to Musconetcong River Rd.
Dutch Hill Road: Zone 2	Both	35	Pine Stone Drive to Dutch Hollow Rd.
Mackenzie Road	Both	35	Entire Length
Mt. Airy Road	Both	35	Entire Length
Mt. Grove Road	Both	35	Entire Length
Mt. Kipp Road	Both	30	Entire Length
Mt. Top Road: Zone 1	Both	25	Safari Trail to Musconetcong River Rd.
Mt. Top Road: Zone 2	Both	35	Hollow Rd. to Safari Trail
Mowder Road	Both	35	Entire Length
Rocky Run Road	Both	35	Entire Length
Spruce Run Road	Both	35	Entire Length
Turkey Top Road	Both	30	Entire Length

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

RESOLUTIONS

Resolution No. 83-2017 - Witt Property – Privacy Fence and Entry Piers

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 83-2017 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 83-2017
RESOLUTION REFERRING REQUEST TO CONSTRUCT IN THE RIGHT-OF-WAY TO
THE BOARD OF ADJUSTMENT**

WHEREAS, Larry and Gretchen Witt (“Property Owners”) own certain property located at 31 Hoffman’s Crossing Road, Califon, New Jersey, which is designated on the tax maps of the Township of Lebanon as Block 16, Lot 17.03 (the “Property”); and

WHEREAS, the right-of-way for Hoffman’s Crossing Road extends on to Property; and

WHEREAS, the Property Owners have requested permission from the Township to place lighted piers or bollards at the end of their driveway within the right-of-way;

WHEREAS, the Property Owners previously constructed a fence that encroaches upon the right-of-way and have requested an approval of such fence; and

WHEREAS, the Township Committee has determined that, although the Township Committee has the authority to grant permission to place structures in the right-of-way, the Township Committee determined that it was more appropriate that the matter be referred to the Board of Adjustment for consideration as a land use application;

WHEREAS, the Township Committee requests that any approval granted by the Board of Adjustment be subject to the following conditions:

1. Property Owners recognize that utility companies also operate in the right-of-way and that utility improvements may require demolition or removal of any structures in the right-of-way. Therefore, Property Owners shall agree to fully cooperate with utility companies and shall not seek damages from such utility companies related to the structures in the right-of-way.
2. Property Owners shall execute an agreement in a form approved by the Township Attorney holding the Township harmless for any damage caused to the structures within the right-of-way by Township snow removal or road repair vehicles and personal vehicles traveling on Hoffman’s Crossing.
3. Any such approval shall only grant Property Owners permission to place certain structures within the right-of-way and shall not grant Property Owners an easement. Therefore, if the Township requires use of the right-of-way for public roadway purposes, Property Owners shall remove the structures upon request of the Township.
4. Approval by the Township’s Construction Office that such structures meet all requirements of applicable building and construction codes.
5. Approval of any such application shall be subject to review and approval by the Township Road Supervisor.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that Property Owners, Larry and Gretchen Witt, are directed to make a land use application to the Township Board of Adjustment to construct a fence and lighted piers in the right-of-way.

IT IS FURTHER RESOLVED, that the Board of Adjustment is authorized to hear any such application made by the Property Owners to place a fence and lighted piers in the right-of-way.

IT IS FURTHER RESOLVED, that any such approval by the Board of Adjustment shall be subject to the above-referenced conditions.

Resolution No. 84-2017 – Settlement Agreement – Fair Share Housing

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved Resolution No. 84-2017 as written below.

**TOWNSHIP OF LEBANON, HUNTERDON COUNTY
RESOLUTION 84-2017**

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT
WITH THE FAIR SHARE HOUSING CENTER (“FSHC”)
FOR THE TOWNSHIP’S 1999-2025
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Lebanon (the “Township”) filed a Declaratory Judgment Action (the “Litigation”) in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller, P.J., Cv.; and

WHEREAS, Fair Share Housing Center (“FSHC”) is a Supreme Court-designated interested party in the Litigation in accordance with the Supreme Court Decision; and

WHEREAS, FSHC and the Township appeared before The Honorable Thomas C. Miller at two case management conferences on January 28, 2016 and April 15, 2016 and participated in settlement conferences with Special Master The Honorable Peter A. Buchsbaum (the “Special Master”) on June 3, 2016 and December 23, 2016; and

WHEREAS, through that process, the Township and FSHC agreed to settle the Litigation pursuant to a Settlement Agreement in the form attached hereto as Exhibit A and to present such Settlement Agreement to the trial court with jurisdiction over this matter to review; and

WHEREAS, such settlement was reached because both parties recognize that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, due to the Township’s location within the Highlands Region and the lack of public water and sewer, the proposed Settlement Agreement, does not require the rezoning of any property in the Township for affordable housing; and

WHEREAS, in the past, the Township has adopted Spending Plans providing for disbursements from the Affordable Housing Trust Fund that have assisted the Township to meet its affordable housing obligations by providing funding for housing rehabilitation, funding to convert market rate units to affordable units, and funds to assist non-profit groups or groups aiding those with special needs; and

WHEREAS, the Township wishes to continue to provide affordable housing opportunities through expenditure of funds through the Affordable Housing Trust Fund;

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

1. The terms and conditions of the Settlement Agreement, attached hereto are hereby approved, ratified and confirmed.

2. The Township Attorney is authorized and directed to execute the attached Settlement Agreement.
3. The Township Attorney and Township Planner are hereby authorized to take all steps to effectuate the Settlement Agreement including appearing at a Fairness Hearing, publishing notice of such hearing, and drafting an Affordable Housing and Fair Share Plan
4. This Resolution shall take effect immediately.

OLD BUSINESS

NJWSA Maintenance and Management Agreement

Tabled.

Department of Public Works Building – Mechanic’s Bay Floor

The Mechanic’s bay floor has had drainage issues since the construction of the building. Mayor Laul received a proposal to have the floor shot blasted so fluids will run toward the center drain. The proposal exceeds the bid threshold; therefore, the Township will need to seek formal bids. The CFO confirmed that the shot blasting will be correcting a construction deficiency so the cost can be covered by the bond ordinance for the DPW Garage project.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Cushing to prepare a bid package for the shot blasting of the DPW Mechanic’s bay floor.

Verizon Wireless – Municipal Consent for the Installation of Wireless Nodes

The Township Attorney provided the Committee with a resolution and ordinance for their review. The resolution would grant municipal consent, with conditions, and the ordinance will allow for the issuance of telecom permits.

Attorney Cushing provided the history of Verizon Wireless’ request for municipal consent.

The Committee will consider the ordinance and resolution at their next meeting.

NEW BUSINESS

Township Voice and Data Service with Equipment Systems

Tabled to next meeting.

Police Chief Gale – Request to Lease/Purchase a 2017 Police Interceptor SUV

Tabled to next meeting.

EJ Skidmore OPRA Request for Executive Session Minutes

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the release of the June 21, 2017 and the July 19, 2017 executive session minutes, subject to the Township Attorney's review and permissible redactions.

Meeting Cancellations

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee canceled the September 6, 2017 and the November 15, 2017 meetings. AYES: Wunder, Koehler, Laul, Schmidt NAYS: McKee

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the August 16, 2017 bill list, in amount of \$3,495,369.03.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of July 2017
- b. LT Environmental & Open Space Commission's June 19, 2017 Meeting Minutes
- c. LT Recreation Commission's July 6, 2017 Meeting Minutes

PUBLIC COMMENTS

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:05 p.m.

Mr. Bernie Cryan made suggestions for the Committee to consider when searching for a new phone service for the Township.

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 at 8:08p.m.

EXECUTIVE SESSION

It is anticipated that action will be taken when the public meeting reconvenes.

Resolution No. 85-2017 –Executive Session

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 85-2017 and convened in executive session at 8:09 p.m.

It is anticipated that action may be taken when the Public Meeting is reconvened.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON

STATE OF NEW JERSEY
RESOLUTION NO. 85-2017
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:

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 8:53 p.m.

Approving a Release Agreement – CWA Local 1040 – Release Agreement

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved a Release Agreement and authorized the Township Attorney to forward on to the CWA Local 1040.

Statewide Insurance Policy

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved rolling over the Statewide Insurance Policy with a 2% maximum cap.

LTCM

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Special Meeting

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee scheduled a special meeting to be held on August 31, 2017 at 7:00 p.m. for professional service interviews.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Schmidt, and carried by unanimous favorable roll call vote, to adjourn the meeting at 8:57 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 20, 2017

Marc Laul, Mayor