

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
September 16, 2020**

Minutes of Regular Meeting

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 the several Police Officers who have been killed or injured the past weeks as well as Health Care Workers and First Responders.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio
Clerk Karen Sandorse (via telecom)

PRESENTATION OF MINUTES

Minutes of the Executive Session Meeting of August 5, 2020

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session Meeting of August 5, 2020.

Minutes of the Regular and Executive Meetings of August 19, 2020 – Tabled for Clarification

Minutes of the Regular and Executive Meetings of September 2, 2020

Motion by Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Meetings of September 2, 2020.

PUBLIC COMMENTS – for agenda items only.

Motion by Mr. Wunder, seconded by Mr. Laul 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 Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

ORDINANCES

Public Hearing

Ordinance No. 2020-10 – Amending Chapter 40 - Entitled “Historian Committee”

Mayor Schmidt stated that the Historians have points that they would like to discuss with the Committee regarding the amendments to the ordinance. The Mayor appointed Mr. McKee and Mr. Wunder as a Sub-committee to work with the Historians on their recommendations.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Committee endorsed the Mayor’s appointment of Mr. McKee and Mr. Wunder as a Sub-committee to work with the Historians.

Mayor Schmidt provided comments on the necessity to modify the Historian’s Ordinance.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-10 was opened.

Ms. Laurie Hoffman, member of the Historians, read a statement regarding the history of the Township Historians.

Comments were received from members of the public regarding the proposed amendments to the ordinance.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-10 was closed.

The Committee discussed whether they should move forward with adopting the ordinance or to table it until the Sub-committee and Historians meet.

*Motion by Mr. McKee, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2020-10 as written below. AYES: Laul, McKee, Schmidt
NAYS: Koehler, Wunder*

AN ORDINANCE AMENDING CHAPTER 40 TO THE CODE OF THE TOWNSHIP OF
LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
SPECIFICALLY ENTITLED "HISTORIAN COMMITTEE"

BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that Chapter 40, entitled "Historian Committee" shall be amended as follows:

Chapter 40, Section 1, entitled "Committee established; purpose," shall be added to read in full as follows:

Committee established; purpose.

- A. A Historian Committee for the Township of Lebanon is hereby established. It is recognized that a Historian Committee has existed for many years, but now is being formalized by Ordinance and shall forthwith be named the "Lebanon Township Historian Committee," hereinafter called the "Historian Committee."
- B. The purpose of the Historian Committee is to advise the Township on preserving the knowledge and artifacts of history pertinent to Township residents, as well as to conduct activities to educate the public on such history in order to improve the quality of life for all involved.

Chapter 83, Section 2, entitled "Composition; terms," shall be added to read in full as follows:

Composition; terms.

- A. The Historian Committee shall consist of nine members, designated as Historians. Such members shall be Township residents and be appointed by the Mayor and approved by the Township of Lebanon Committee for terms of one year with no limit on re-appointment to additional terms. Terms shall commence on January 1st and end on December 31st, or until a successor is appointed and qualified.
- B. In addition to resignation or death of an appointee or an appointee's moving his or her residence to outside of the Township, any appointee who shall fail to attend three successively called meetings of the Historian Committee without just cause shall be deemed to have vacated after review of the situation and discretion of the Historian Committee.
- C. Removal of any appointee shall be for cause, only on written request from the Historian Committee, and after a hearing before the Mayor and Township Committee.
- D. In the event of any vacancies on the Historian Committee, the Mayor may, with the approval of the Township Committee, fill such vacancies for the unexpired portion of the term only.

Chapter 83, Section 3, entitled "Compensation," shall be added to read in full as follows:

Compensation.

Members of the Historian Committee shall serve without compensation.

Chapter 83, Section 4, entitled "Meetings; officers; rules; quorum," shall be added to read in full as follows:

Meetings; officers; rules; quorum.

- A. Meetings of the Historian Committee shall be open to the public, held monthly on such dates as determined by the Historian Committee at its annual reorganization meeting and as notified to the public.
- B. Following the Township annual reorganization meeting, the Historian Committee will hold a reorganization meeting when it shall elect a Chairman, Vice Chairman and Secretary from its members for one-year terms.

- C. The Historian Committee shall have the power to establish its own bylaws with such bylaws to be approved by the Township Committee.
- D. A majority of the Historian Committee shall constitute a quorum. Passage of any motion requires an affirmative vote by a majority of the members present.

Chapter 83, Section 5, entitled "Powers," shall be added to read in full as follows:

Powers.

The Historian Committee shall be responsible for providing guidance concerning the following matters:

- A. Encourage the protection and preservation of historical landmarks and points of interest within the Township of Lebanon, and to advise the Township Committee on matters affecting the historical landmarks and points of interest.
- B. Encourage maintenance of an updated inventory or index of all historical documents, records, or relics held by the Township, especially those held at the Township Museum, as well as landmarks and points of interest within the Township of Lebanon.
- C. Encourage the acquisition and preservation of documents, records and relics of the Township of Lebanon, and whatever other documents or things that may relate to the history of the State of New Jersey and the United States of America. The Historian Committee will establish policy for advising on accepting donations of historical artifacts for the Museum collection, but donations of real estate or items with estimated value in excess of \$2,000 will require Township Committee approval.
- D. Public education of history related to the Township of Lebanon including making all information of the Historian Committee available to the public. The Historian Committee may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.
- E. Seek to coordinate, assist and unify the efforts of private groups, institutions, and individuals within the Township of Lebanon in accordance with the purposes of this Ordinance. An example of such a private group would be the Squier's Point Historians of Lebanon Township, Inc., which is a non-profit entity, independent from the Township of Lebanon, but which may have overlapping membership with the Historian Committee.
- F. Maintain liaison and communication with public and private agencies and organizations of local, county, state and national scope whose programs and activities have an impact on the protection and preservation of the history and historical points of interest of the Township of Lebanon, or who can be of assistance to the purpose of the Historian Committee. Such activities include pursuing grants or other funding from such agencies or organizations, subject to approval of the Township Committee prior to any grant application.
- G. Recommendations for the annual budget for the Township Museum and the activities of the Historian Committee.
- H. Carry out other such duties as may be assigned from time-to-time by the Township Committee.

Chapter 83, Section 6, entitled "Museum Trust Fund," shall be added to read in full as follows:

Museum Trust Fund.

- A. The Township of Lebanon occasionally receives cash donations or bequests designated for the Township Museum or Historians, and all such monies received shall be kept in a special fund created by the Township's Chief Financial Officer ("CFO"), designated as the "Reserve for Museum Donations Trust Fund." This fund shall be used for purposes related to the operation, improvement or maintenance of the Museum or Museum

property, including the acquisition or restoration of historical artifacts, or for materials and activities that will educate residents about history. It may also be used for the operation, maintenance, or acquisition of other real estate of a historic nature in the Township of Lebanon. Expenditures from this fund will be proposed by the Historian Committee subject to majority approval and approved by the Township Committee. Any balance in the fund at year's end will be carried over into the fund for the next calendar year.

- B. Funds in this account may not be used for any other Township expenses without the consent of a majority of the Historian Committee.
- C. Donations made to private groups, institutions, and individuals within the Township of Lebanon in accordance with the purposes of this ordinance, an example of such a private group would be the Squire's Point Historians of Lebanon Township, Inc., and designated for a specific historical use or monies received from fund raising events of the Squiers Point Historians of Lebanon Township, Inc., will not be put into the Reserve for Museum Donations Trust Fund.
- D. The Township's CFO will provide the Historian Committee, upon request, with a quarterly accounting of the Reserve for Museum Trust Fund and monthly income and expense statements of the fund.

Chapter 83, Section 7, entitled "Scheduling use of the Township Museum," shall be added to read in full as follows:

Scheduling use of the Township Museum.

The Museum Curator or another designated municipal employee shall be empowered by the Township Committee to schedule use of the Museum facilities, subject to informing the Township Committee of all usage, but the hours set for the Museum to be open to the public will be set by the Township Committee. It is understood that events by community organizations that add to the quality of life for residents will not be charged a rental fee for use of the Museum, but a fee for use may be imposed for private use with approval of the Township Committee. The Curator or designated employee will provide the Historian Committee with a monthly usage report for the Museum and calendar of events in paper or electronic format. Any monies received for the use of the Museum will first be credited to the Township general funds to offset the costs of operating the Museum, with any additional monies provided to the Township CFO for deposit into the Reserve for Museum Trust Fund.

Chapter 83, Section 8, entitled "Records, annual report," shall be added to read in full as follows:
Records, annual report.

The Historian Committee shall keep records of its meetings and activities and shall make an annual report to the Township Committee comprised of the records.

Chapter 83, Section 9, entitled "Dissolution," shall be added to read in full as follows:
Dissolution.

The Historian Committee may be dissolved at any time by a majority vote of the Township Committee

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

RESOLUTIONS

**Resolution No. 65-2020 – Plenary Retail Consumption License Renewal –
New Hampton Inn**

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 65-2020 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 65-2020
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

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

WHEREAS, the 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 License be granted a renewal for the 2020-2021 year:

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

**Resolution No. 66-2020 - Plenary Retail Consumption License Renewal –
ATK Inc./Tony's Bistro**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 66-2020 as written below. AYES: Koehler, Laul, McKee
Schmidt ABSTAIN: Wunder*

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 66-2020
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

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

WHEREAS, the 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 License be granted a renewal for the 2020-2021 year:

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

**Resolution No. 67-2020 – Plenary Retail Consumption License Renewal –
El Patron Mexican Rest**

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 67-2020 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 67-2020
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

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

WHEREAS, the 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 License be granted a renewal for the 2020-2021 year:

1019-33-003-005 El Patron Mexican Restaurant LLC

OLD BUSINESS

Schedule Diversity Training

Mr. Barberio stated that he has scheduled a Diversity Training for the Committee members. It will be held on October 7th from 5:30 p.m. to 6:30 p.m. Trainings will also be held for the employees and volunteers at a later date.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee scheduled a Diversity Training to be held on October 7th, 2020.

Volunteer Fire Department Donation Request

The Fire Department is requesting the 2nd half of their \$80,000 (\$40,000) annual donation. They are also asking for the additional \$15,000 the Committee put into the budget just in case it was needed during the 2020 year. Due to matters relating to COVID the Fire Department's budget has been depleted and could use the additional \$15,000.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Department's request for the 2nd half of their annual donation of \$40,000 and the additional \$15,000 for a total of \$55,000.

Mr. McKee said that the Fire19-1 car is undriveable and is being decommissioned. The Fire Department was told not to put any more money into it. If a patrol car is rotated out of the Police Department the Fire Department would like to request one.

Mr. Wunder said he has two proposals for the utility room sink and is waiting for the third.

Mr. Wunder contacted a sign vendor and will be talking pictures of the signs. Prices will need to be obtained for the signs at the Municipal Office, Police Department and the Library. Prices will include electronic and standard signs for comparison.

Ms. Koehler said that on Sept 28th the work will commence on the Sliker/Anthony Road Project. The work will take approximately three weeks to complete.

Mr. Laul said that County Road 513 will reopen this Friday, weather permitting.

ADMINISTRATOR'S UPDATE

Mr. Barberio said that the Policy and Procedure Manual is 130 pages. He needs to review it with the Township Attorney as well as the Appendix. Mr. Barberio said that he will be working on the employee descriptions for the manual next.

Mr. Barberio said that RK Environmental has inspected the downstairs of the Municipal Office for a diagnosis and air quality in the building. The inspector will be providing a report for the Committee. Mr. Barberio was notified that the building is safe for the employees to be working in it.

Mayor Schmidt stated that the DPW Manager informed him that when the building was built the air vents were placed under the concrete slabs. The vents will need to be cleaned and filled in and duct work will need to be run above the rooms. Quotes and the Capital Budget will need to be considered.

Ms. Koehler said that the inspector took many samples, air and surface, which will be sent out for testing.

NEW BUSINESS

Montclair State University & Musconetcong River Management Council Request for Letter of Support

Mr. Erik Henriksen and Ms. Nancy Lawler, of the Musconetcong Watershed Association, have been conducting studies with Montclair State University for many years. They are now looking to make a grant proposal to the Highlands Coalition, entitled "Action Planning in the Musconetcong River to Protect Drinking Water and to Promote Recreational Access in the Hunterdon County Reach of the Musconetcong River". The MWA and Montclair State are seeking letters of support from a few

municipalities. The letters will be sent to the Freeholders for them to in turn send a universal letter of support to the Highlands Coalition.

The purpose of the application is to address bacterial contamination from homes with septic systems and animal waste.

Mayor Schmidt stated that in the Committee signing the letter the Township will be asked to participate in the water quality assessment and Action Plan development.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the draft letter of support for the Montclair State University & Musconetcong River Management Council's Highlands Grant Application.

Fall Clean Up Day

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Fall Clean-up day to be held on Saturday, November 21, 2020 from 8:00 a.m. to 1:00 p.m.

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 September 16, 2020 bill lists in the amount of \$129,543.79.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of August 2020
- b. Curator's Report

PUBLIC COMMENTS

Motion by Ms. Koehler, seconded by Mr. Wunder carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:25.

Ms. Laurie Hoffman said that she personally hopes that the Museum does not change into something different than what is has been.

Ms. Hoffman asked if the Fire Department would be covering their costs if not for COVID?

Ms. Hoffman asked for clarification of the Sunshine Laws.

Ms. Hoffman stated that she and Mr. Hoffman came to the Municipal Office to read the old minute books. She provided her thoughts on the condition of the books and their content.

Ms. Jeanette Sliker recommended that the Committee discuss sign options with the Library Committee prior to purchasing one for the Library as it is an older building.

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 8:34 p.m.

EXECUTIVE SESSION - Resolution No. 68-2020

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 68-2020 and convened into executive session at 8:35 p.m. Action will not be taken.

Minute of August 18
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 68-2020
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; **August 19, 2020 Executive Session Minutes**

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;

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: _____. 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: _____ And whereas 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.

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 8:48 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 7, 2020

Mike Schmidt, Mayor