

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
September 18, 2019**

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 seventeen Service Members who lost their lives in Afghanistan and the thirty Police Officers, around the Country, who were killed in the line of duty.

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 and 7 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meeting of September 4, 2019

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session Meetings of September 4, 2019.

PUBLIC COMMENTS – for agenda items only.

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

ORDINANCES

Public Hearing

Ordinance No. 2019-07 – Amending Chapter 269 – Parks and Playgrounds

Motion by Mr. Laul, seconded by Mr. Wunder, and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-07 was opened.

There were no comments from the public.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-07 was closed.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-07 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-07
AN ORDINANCE AMENDING CHAPTER 269 – PARKS AND PLAYGROUNDS
OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey that Chapter 269, entitled “Parks and Playgrounds,” shall be amended to incorporate the management of white-tailed deer hunting.

WHEREAS, the Township Committee seeks to amend Chapter 269, Parks and Playgrounds, by adding Article 269-7, White-Tailed Deer Management on Township Park and Open Space Property, to the Code of the Township of Lebanon.

NOW THEREFORE, BE IT ORDAINED, by the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Article 269-7 of the Township code shall be amended to read as follows:

§269.7. White-tailed deer management on Township park and open space property.

The hunting, shooting, killing and removal of white-tailed deer shall be allowed solely for the purpose of reducing and managing the Township's deer population and only in accordance with the following provisions, and shall otherwise be prohibited in any Township park or open space:

- A. *Permit required.* No person shall hunt, shoot, kill or remove deer from any park or open space, or carry or possess firearms of any description in which loaded or blank cartridges may be used, or air guns, spring guns, slings or any other form of weapon potentially dangerous to wildlife and human safety, unless that person has first obtained a municipal deer

management permit for such activity. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management. Permittees shall clearly label their hunting stands with the permittees' name and permit number.

- B. *Dates, locations and procedures for hunting.* The number of permits issued each year, the properties for which the permits are issued, the dates on which those properties may be hunted and various procedures shall be determined annually by Resolution of the Township Committee. A press release and/or notice informing the public of said designated dates and locations shall be published on the Township's website and shall be submitted to the official newspaper(s) of Lebanon Township for publication.
- C. *Application process.* A permit shall be obtained by application to the Lebanon Township Police Department, which application shall contain the following:
1. The name and address of the applicant.
 2. The applicant's date of birth. Applicants must be eighteen (18) years of age or older to be eligible for the municipal deer management permit.
 3. The applicant's Social Security number.
 4. The applicant's license plate number(s).
 5. A photocopy of applicant's current firearm or bow and arrow hunting license number.
 6. A photocopy of any applicable state permits (for example, but not limited to, fall and winter bow, permit shotgun or muzzleloader rifle).
 7. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felonies. Any applicant who is prohibited by law from possessing a firearm or who has been convicted of a felony shall not be eligible for a permit.
 8. A release authorizing the Township to conduct a background check for violations of the New Jersey Fish and Game Code, N.J.A.C. 7:25-5, et seq., and for violations of any local regulations pertaining to parks or to hunting. Any applicant who has violated any provision of the Fish and Game Code or violated any local regulation pertaining to parks or to hunting within ten (10) years of the date of the application shall not be eligible for a permit.
 9. A release allowing the Township of Lebanon to access the NJ State Fish and Wildlife reporting records for the prospective permit holder, including access to tag confirmation numbers for harvested deer in the State database.
 10. The property for which a permit is sought.

Applications shall be available at the Lebanon Township Police Department. Prior to any permits being issued, all applications will be reviewed by the Lebanon Township Police Department for accuracy of information supplied and for compliance with the requirements set forth herein. All applications must be submitted in person by the applicant.

People who have been awarded a license must provide a copy of a certificate of insurance confirming general liability insurance with coverage with combined single limits for bodily injury and property damage of at least one million dollars (\$1,000,000.00) per single occurrence and one million dollars (\$1,000,000.00) annual aggregate prior to being given the license.

- D. *Eligibility for permit.* Permits shall be available to any resident of the State of New Jersey

and Lebanon Township employees. Permits shall be issued through a lottery process to be specified by annual Resolution of the Township Committee with any remaining permits after the lottery to be issued on a first-come, first-served basis, subject to the following limitations: Upon receipt of a completed application packet by an established deadline, permits shall be issued in the following order:

- a. Township residents and Township employees.
 - b. Residents of Hunterdon County.
 - c. Residents of the State of New Jersey.
- E. *Rules and regulations.* The following rules and regulations shall apply to any permit issued to an individual subject to accommodations made under the ADA and any other applicable federal or state law:
- d. Individuals engaged in deer management shall produce a permit on demand to any law enforcement officer, or Township employee.
 - e. Only deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife is strictly prohibited.
 - f. A minimum of one (1) antlerless deer must be taken prior to the taking of an antlered deer in each applicable season unless a higher number is established by annual Resolution.
 - g. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management.
 - h. No unauthorized motorized vehicles are permitted beyond the designated parking areas.
 - i. All hunting must take place from an elevated stand, with ground-based discharge of any firearm or bow and arrow prohibited unless the individual requires accommodation under the Americans with Disability Act.
 - j. The use and/or construction of permanent tree stands is prohibited. Hunters found using a permanent tree stand will be subject to prosecution whether they built it or not. Only portable stands that do not harm the trees shall be permitted but are used and left unattended at the user's risk. Only one (1) stand per hunter is permitted. All stands shall be removed no later than fourteen (14) days following the expiration of the permit, hunters who fail to remove their tree stands during this period may be disqualified from the deer management program for two (2) years. Hunters shall label their hunting stands with the permittees' permit number, so that it is visible from the ground. Hunting stands not labeled will be confiscated by the Township.
 - k. Hunters must wear a minimum of 200 square inches of blaze orange at all times while hunting by any method. This requirement will most commonly be met by wearing a blaze orange vest and cap while hunting.
 - l. Baiting with mechanical feeders is prohibited, any mechanical feeders will be confiscated by the Township.
 - m. All deer must be checked in as prescribed by the New Jersey Division of Fish and Wildlife. Hunters shall provide on their annual harvest questionnaire their state-

issued harvest and confirmation number(s). A secluded, secure local site for field-dressing shall be used.

- n. All permits shall be site-specific and nontransferable. Permittees shall be authorized to hunt only the property for which they have been issued a permit and shall be responsible for knowing where they are at all times.
- o. Deer drives shall be allowed, subject to the following limitations:
 - i. Only hunters that possess a Lebanon Township deer management permit for the property and/or those that possess a permit for other Lebanon Township properties may participate in the drive.
 - ii. No person shall carry a weapon of any kind while driving deer.
- p. Vehicles shall be restricted to public roads and designated parking areas.
- q. Hunting may begin one-half hour before sunrise and must end one-half hour after sunset.
- r. Target practice is strictly prohibited.
- s. Use or possession of alcoholic beverages or illegal substances while on the properties is prohibited.
- t. Littering is prohibited.
- u. All current New Jersey Division of Fish and Wildlife perimeter rules apply: four hundred fifty (450) feet for firearm and one hundred fifty (150) feet for bow.
- v. Discharging a firearm or a bow and arrow from private property to Township property is prohibited. Discharging a firearm or a bow and arrow from Township property to private property is prohibited.
- w. Discharging a firearm or a bow and arrow on or across highways, roads or trails is prohibited.
- x. Discharging a firearm or a bow and arrow from a motor vehicle is prohibited.
- y. Transporting an uncased firearm or bow in a motor vehicle is prohibited.
- z. Possessing a loaded firearm in or upon a motor vehicle is considered proof of pursuing or taking of wildlife and is prohibited.
- aa. Applicant agrees to abide by any additional rules, regulations and/or restraints set forth by the Township and applicable county or state government.
- bb. Any applicant who is prohibited by law from possessing a firearm or bow, who has been convicted of a felony or who within three (3) years of the date of application has violated either the New Jersey Division of Fish and Game Code or any local regulation pertaining to parks or to hunting will not be eligible.
- cc. Possession of a permit does not give hunters permission to cross private property. Hunters are responsible for knowing the boundaries of Township park lands and open spaces open to hunting, as well as safety zones. When tracking a shot deer hunters must receive permission from private property owners prior to tracking the deer across private property.
- dd. Hunters in the deer management program who receive a summons for any violation committed on Township park land or open space, will have their permit revoked for

two (2) years and will not be able to purchase a permit. Permits will be permanently revoked for a second offense.

- ee. Hunters must be aware that non-hunting visitors are allowed on park lands and open space open to hunting; non-hunting visitors are encouraged to wear brightly colored clothing. Non-hunting visitors must be treated courteously.
- ff. The permittee is not allowed to have any non-permitted person with him/her while engaged in active hunting.
- gg. Hunting is not permitted on Sundays.
- hh. All season dates and bag limits designated by the State of New Jersey Division of Fish and Wildlife and the Fish and Game Council for deer management zone 8 shall apply.
- ii. The Township and applicable county and state government have the authority to stop the hunt at any given time.

In addition, any permit issued by the Township to an individual may contain such additional conditions as the Chief of Police of the Township of Lebanon determines are reasonably required to ensure the safety of Lebanon's residents, including, but not limited to, limiting the days and times during which the permittees may hunt thereon and restricting the areas within the parks or open spaces on which the permittees may hunt.

- F. *Duration of permit.* Permits shall be valid only during the applicable state-approved deer hunting seasons, as said dates may be amended from time to time by the New Jersey Division of Fish and Wildlife and the Fish and Game Council.
- G. *Permit fees.* In order to defray increased maintenance, materials, labor and administrative costs incurred by the Township in connection with its deer management program, a permit fee of twenty dollars (\$20.00) is herewith established for Lebanon residents and Lebanon employees, and a permit fee of twenty-five dollars (\$25.00) is herewith established for all others.
- H. *Revocation of permit.* The Chief of Police of the Township of Lebanon shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of personal property, including that of the Township of Lebanon, is threatened as a result of the activity authorized by the permit. Violations by any permittee of any applicable state or local rules and regulations pertaining to hunting or use of park land shall also cause the permit to be revoked. Where such permit has been revoked or where persons or personal property are endangered as set forth above, the chief of police is authorized to require that such person or persons leave the park area immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.
- I. *Violations and penalties.* All state and local regulations pertaining to parks and to hunting shall remain in full force and effect and nothing herein shall be construed to abrogate same. Violation of this section, any special condition or any applicable state or local regulation will result in the immediate loss of hunting privileges on the property and will subject the hunter to any applicable penalties.
- J. *Enforcement.* The provisions of this section and provisions of any rules and regulations adopted by the Township committee shall be enforced by the Police Department of the

Township of Lebanon.

- K. *Farmland depredation.* The provisions set forth above shall in no way interfere with nor take the place of farmland depredation permits or permits to kill wild deer issued and managed by the New Jersey Division of Fish and Wildlife, and/or the U.S. Fish and Wildlife Service for farmers who lease Township park land or open space.

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

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

OLD BUSINESS

Acquisition of a Portion of 661 Woodglen Road – Miquin Connector

Mayor Schmidt stated that the proposed agreement, for the purchase of approximately 2 acres of land at 661 Woodglen Road, dates back to 2017. The purchase will enable the connecting of the Goracy Property, owned by the Township and the New Jersey Water Supply Authority, and Miquin Woods, which is owned by the County. The proposed acquisition was originally brought to the Township Committee as Resolution 40-2017. The Committee agreed to enter into a contract to purchase the two acres, at \$8800 plus expenses, which the Township would absorb. In the original agreement, it was noted that the survey for the property was never closed, many years ago, because different properties were carved off of it. The property owner decided that she wanted to get her survey in order so the acquisition was put on hold. The survey is now closed and the property owner has signed the agreement.

The property owner's Attorney has proposed a couple of amendments to the agreement which includes; a Deed Notice to state that the Township will post her boundaries with no trespassing signs as the Township is acquiring the land for trail access and an increase in the reimbursement for the seller's attorney fees, from \$1000 to \$1500.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted the two amendments to the original agreement.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee agreed to proceed with the acquisition of approximately two acres at 661 Woodglen Road.

The Mayor thanked the property owner for being willing to sell the two acres of land to the Township.

Appointment of Surveyor for the Acquisition of Miquin Connector

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee awarded the contract, at \$3560, to Bohren & Bohren for the survey work to be conducted in association to the Miquin Connector Acquisition.

NEW BUSINESS

Police Chief Succession Process

The Police Chief Jack Gale has submitted a letter to the Committee advising them that he expects to retire sometime this winter.

Mr. Laul and Mr. McKee provided the Committee with a succession outline, noting that they hope to have an overlap of time, for the new Chief to work with Chief Gale, prior to his departure.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved posting a notification in the Police Department stating that the Township Committee will be accepting resumes through October 4, 2019 for any officer who is interested in applying for the Police Chief's position.

Recreation Commission Member Resignation

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Stacey Timpson from the Recreation Commission, with regrets.

Request to Appoint Recreation Commission Member

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee appointed Meredith Tyers to the Recreation Commission, to fulfill an unexpired term, ending on 12/2022.

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 September 18, 2019 bill list in the amount \$ 58,986.69.

CORRESPONDENCE

- a. Upcoming Recreation Commission Events
- b. Tax Collector's Report for the Month of August 2019

PUBLIC COMMENTS

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:22 p.m.

Ms. Lisa Rivers asked if the front of the newsletter could read, "Please join us for the Township Committee meetings which are held the 1st and 3rd Wednesday of the month".

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:23 p.m.

EXECUTIVE SESSION - Resolution No. 81 -2019

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2019 and convened in executive session at 7:24 p.m. It is not anticipated that action will be taken.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 81-2019

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: _____); **CWA Local 1040**

A matter involving the purchase, 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:

_____ 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.

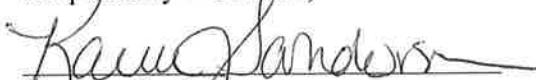
BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Public Meeting reconvened at 7:48 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 7:48 p.m.

Respectfully submitted,


Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 4, 2019


Mike Schmidt, Mayor