

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 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 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

Absent- Ronald Milkowski

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

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of August 17, 2016

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular meeting of August 17, 2016.

Minutes of the Special and Executive Session Meetings of September 1, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special and Executive Session meetings of September 1, 2016.

Minutes of the Regular Meeting of September 7, 2016

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular meeting of September 7, 2016.

Minutes of the Executive Session Meeting of September 7, 2016

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session meeting of September 7, 2016.

PUBLIC COMMENTS – limited to agenda items only.

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

ORDINANCE

Introduction

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2016-07 on first reading as entitled below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2016-07
ORDINANCE AUTHORIZING LEBANON TOWNSHIP VOLUNTEER FIRE DEPARTMENT
TO SEEK REIMBURSEMENT FOR COSTS INCURRED IN PROVIDING CERTAIN
EMERGENCY SERVICES FOR HAZARDOUS ABATEMENT INCIDENTS

Public Hearing to be held on October 5, 2016

RESOLUTIONS

Resolution No. 66-2016 – NHVRHSD Referendum Question on November 2016 Ballot

The Committee would like for a representative from the High School to be in attendance at the October 5, 2016 Committee meeting to answer any questions that the Committee and public may have. Tabled until the October 5, 2016 Committee meeting.

OLD BUSINESS

Police Officer Hire

Mayor Laul stated that the Township Committee interviewed three individuals who applied for the Police Officer's position. The Committee agreed that Robert Plimpton would be an asset to the Lebanon Township Police Department.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee appointed Robert Plimpton as a Class IX Police Officer, effective October 9, 2016. Mr. Plimpton is to be sworn in on October 10, 2016 by the Mayor or the Clerk.

Speed Limits

Mayor Laul stated that there are eleven roads in the Township without designated speed limits. Sgt. Jack Gale stated that he researched the ways in which the Township can create an ordinance to establish suburban residential speed limits. Sgt. Gale stated that in order to adopt a speed limit ordinance the Police Department will need to conduct traffic surveys relating to volume, speed, etc. The Township Engineer will also need to evaluate road characteristics such as length, width and grade. Once complete, a request will then be submitted to the NJDOT for approval. Sgt. Gale noted that all of the roads being considered must be confined to Lebanon Township. The roads cannot be adjoining to other towns roads unless the road already has an established speed limit in the other town.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized Sgt. Gale and Engineer Steve Risse to conduct studies necessary to create a Speed Limit ordinance.

DPW Garage Floor

The Township Committee requested that Engineer Steve Risse be present at this meeting to discuss his proposal in correcting the drainage issue in the mechanics bay, at the DPW building. Engineer Steve Risse stated that he took the lowest point in the room, where the water flows into the general office training area, to the closest drain, at a slope of approximately 1%, with the result of 94 ¼, with the current drain set at 94.36, which is in 10ths of a foot. Engineer Risse stated that he set the proposed drains at 94.25, which are approximately 1 1/3 inches lower than the current floor. Engineer Risse stated that he then went up at a steady slope to the edge of the saw cut, at 1% all the way around. In doing this, everything will flow to the drains, which will be 1 1/3 inches below the existing drains. Engineer Risse noted that he could drop the slope a little further, to 2 1/2 inches, easily. Engineer Risse stated that originally there were concerns raised on whether the lifts could handle a pitch in the floor; however, it has since been determined that the lifts can handle a six inch difference. Mr. Schmidt stated that the structure of the building ties together through the floor and asked Engineer Risse if his proposal could compromise the integrity of the building. Engineer Risse stated that he has a call into the Foundation Engineer, who prepared the design for the building, to insure that his proposal will not compromise his intentions. Engineer Risse stated that he spoke with the Foundation Engineer's office when preparing his plan to correct the deficiencies and his plan is essentially their idea. Engineer Risse stated that he feels that it may be more advantageous

for the Township to have the Foundation Engineer approve the new plan. This will avoid compromising the warrantee.

The Committee agreed that 2% of reset will be best. Engineer Risse will reach out to the Foundation Engineer to have him sign the signature block.

The epoxy will not be a part of the bid package.

Town Wide Clean Up

Mayor Laul stated that he spoke with the Recycling Coordinator and LMR Disposal's proposal was less than Republic Services. Mayor Laul stated that there is enough money in the Clean Communities to fund the event and in order to keep receiving the grant money the Township must hold a Clean Up event. Mayor Laul stated that he would like the event to be published in the winter newsletter and then for the event to hopefully take place early in November.

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the July 1, 2016 proposal submitted by LMR Disposal to conduct the Town Wide Clean Up. AYES: Schmidt, Laul, McKee ABSTAIN: Wunder

Museum Addition

Ms. Laurie Hoffman stated that there are two drawings of the planned addition for the Committee to consider. The first proposal is a smaller addition, strictly for a restroom facility. The second proposal is 4 ft. larger and will include a storage area and a hallway. Mr. McKee stated that it is hard to say how much more it will cost for the extra 4 ft. but if the museum needs the storage then that is how it should go out to bid. Mr. Schmidt stated that each of the two plans are 14 ft. 11 in. wide; the restroom only option is 8 ft. 5 in. deep and the plan with the storage area is 12 ft. 8 in. deep. Mr. Schmidt stated that the Historians were authorized to put a restroom in the museum and since they were proposing a larger addition he felt that the Committee should approve it. Mr. Schmidt stated that the larger addition will not only offer more storage, it will also provide for additional counter space which will make the area more functional.

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee authorized the architect to develop the building plans for the museum addition based on the 12 ft. 8 in. x 14 ft. 11 in. floor plan.

Shared Services Agreement

Mr. Schmidt stated that at last night's local Board of Education meeting the Board passed a resolution authorizing the payment of \$20,000.00, annually, for the work that the DPW does for the schools throughout the year. The Board Attorney will be drafting a Shared Service Agreement outlining the arrangement between the Committee and the Board. Once reviewed by the Township Attorney, the Committee will sign off on the agreement also. Mr. Schmidt said that the Board stated that they are very appreciative for all of the work that the DPW does for them. The Board also commended the Police Department for the Services that they provide to both schools as well as the positive interaction that the officers have with the students.

NEW BUSINESS

Recreation Commission Request for Appointment

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee appointed Stacey Timpson as Alt #1.

Raffle Application – St John Neumann – Event Date October 21, 2016

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for St. John Neumann for an event to be held on October 21, 2016.

Raffle Application – Friends of Memorial Park – Event Date October 30, 2016

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for the Friends of Memorial Park for an event to be held on October 30, 2016.

CWA Correspondence – Gail Glashoff – Release to Attend Local 1040 Convention

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the CWA Local 1040 request for Gail to attend the 2016 convention.

Election Signs

Mayor Laul said that the Township sign ordinance states that election signs can only be placed on resident's properties 30 days prior to the election. Mayor Laul stated that the placement of political signs can be a First Amendment issue and should not have restrictions at all. Mayor Laul stated that he would like for the Township Attorney to review the current ordinance and to make recommendations for future amendments. Attorney Cushing stated that sign ordinances are very complicated as there is case law that states that similar activities need to be treated in a comparable fashion. A First Amendment activity needs to be treated very carefully when it comes to regulations. Attorney Cushing stated that the limitation of times is very complex. Attorney Cushing will look at the current ordinance.

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee issued a directive to the Zoning Officer to not enforce Section 400-13, D-1 of the Township Code while legal implications are being examined based on issues that have been raised.

Gate at the Park – Municipal Office

Mr. Wunder stated that the Park Committee is concerned that the park gate is now closed and locked. Mayor Laul stated that he feels that the gate should be closed for safety reasons because he has seen people speeding through the parking lot of the municipal building. Mayor Laul stated that in having the gate closed it may deter people from cutting through the municipal office parking lot.

In time the gate may be opened again; however, he does not understand why people cannot use the main entrance on Bunnvale Road. Mr. Schmidt stated that if the police are seeing an undue amount of traffic traveling through the parking lot he agrees that something needs to be done to curtail it. Mr. Schmidt suggested installing “No-Thru Traffic” signs. Mayor Laul stated that he agrees with placing signs; however, he feels that the gate should be closed at this time so individuals use the main entrance.

Sgt. Jack Gale stated that he asked the DPW Manager to close the gate and to place a lock on it for the safety and welfare of those who use the municipal office parking lot. Now that he is spending more time at headquarters he is seeing what a big problem the traffic is. Sgt. Gale stated that he also asked for signs to be placed on either side of the gate stating, “Emergency Access, Do Not Block” as people park their cars along the driveway and a fire truck would not be able to pass through in an emergency. Sgt. Gale stated that the municipal office parking lot entrance is the primary pedestrian access to the park and it concerns him that people use the cut-through as a way to avoid the corner of Bunnvale and West Hill Road. Sgt. Gale stated that it was not his intention to discourage people from using the park and they can drive around the corner to the main park entrance. Sgt. Gale stated that the back entrance was meant for emergency access only and years ago the bolt was cut and never replaced. Mr. Schmidt stated that he agrees to keep the gate locked for now, to stop the habit of it being used, but then possibly placing a stop sign so people do not find it as convenient to drive through. Mayor Laul stated that it is a habit that needs to be broken and the gate can be opened again when the signs are in place.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the September 21, 2016 bill list in amount of \$111,830.03

CORRESPONDENCE

- a. Sharon Herson Correspondence – Speeding on Rocky Run Road
- b. Applied Earth Solutions Inc. – Monitoring Well Sealing – Bunnvale Library
- c. Statewide Insurance – Ivan Cohen – Loss Control Service Visit
- d. Tax Collector’s Report for the Month of August 2016
- e. Recreation Commission – July 28, 2016 Meeting Minutes

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:02 p.m.

Mr. Charlie Fortenbacker, Park Committee member, stated that the Park Committee always pushed to have the gate left open. The Park Committee felt that if it was easy access for the police to patrol the park and they like that the residents can have access from the back entrance. Mr. Fortenbacker

stated that he does understand Sgt. Gale's concerns because people do use the access as a thru-way. Mr. Fortenbacher feels that the problem is mostly during weekdays and feels that signs should have been posted prior to the gates being closed. Mr. Fortenbacher noted that he and the Park Committee worked hard on the park and he does not like to restrict access. The gate should be open at least Friday afternoon through Sunday evening, when the park is used at a maximum. Mr. Fortenbacher stated that the back entrance is only visible access to the park and it is an inviting picture. Mr. Fortenbacher said that the buses should not be using the access. Mayor Laul said that the Township will purchase the signs and have them installed. Once the signs are in place the gates can be opened again on the weekend. The traffic can then also be monitored.

Ms. Laurie Hoffman asked if the gate has to be locked and informed the Committee that a fire truck had to go all the way around the block, when returning to the station, after A Movie in the Park. Sgt. Gale stated that he informed the Fire Chief that the gate would be locked and that he had a key for him but they have not yet met up. Ms. Hoffman stated that people speed on all of the roads in the Township.

Ms. Laurie Hoffman asked if the public will be able to ask questions when the representatives from the high school attend the meeting to discuss the proposed referendum.

Mr. Donald Winkler stated that he is glad to see that the Township Engineer was present to discuss the DPW floor. Mr. Winkler stated that he believes that there needs to be a greater pitch that 2 ½ inches because he does not feel that it is adequate. Mr. Winkler also suggested that the drains should be made larger and questioned if the current tank will hold the water if it was just meant to catch spills.

Ms. Nina Savoia, Historian, suggested thinking about installing another access to the park and close the back one off.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:17 p.m.

Resolution No. 67-2016 –Executive Session

Action may be taken at the recommencement of the public meeting.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 67-2016 and convened in to Executive Session at 8: 20 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 67-2016
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: **Police Chief's Contract** 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.

The Township Committee reconvened the Public Meeting at 9:46p.m.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee extended the Seasonal Help positions for two weeks through October 10, 2016.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to post an employment notice seeking applicants for the possibility of up to two DPW temporary employee positions. The Township requests a CDL and the applicant must follow the DPW job descriptions established at the last Committee meeting.

Motion by Mr. Schmidt, seconded by Mayor Laul and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Schmidt to negotiate the possible purchase of 97 Red Mill Road.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder seconded by Mr. Schmidt and carried by unanimous favorable roll call vote to adjourn the meeting at 9:53 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 5, 2016

Marc Laul, Mayor