

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	Ronald Milkowski
	Brian Wunder	Mike Schmidt	

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 29 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of September 21, 2016

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved minutes of the Regular meeting of September 21, 2016. AYES: Wunder, Schmidt, Laul, McKee ABSTAIN: Milkowski

Minutes of the Executive Session Meeting of September 21, 2016

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session meeting of September 21, 2016. AYES: Wunder, Schmidt, Laul, McKee ABSTAIN: Milkowski

PUBLIC COMMENTS – limited to agenda items only.

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

There were no comments from the public.

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

ORDINANCE

Ordinance No. 2016-07

Public Hearing

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2016-07 was opened.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2016-07 was closed.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2016-07 as written 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**

WHEREAS, the Township of Lebanon Volunteer Fire Department (the “Department”) is an independent volunteer fire company that provides fire suppression and emergency services in and around the Township of Lebanon (the “Township”); and

WHEREAS, the cost of purchasing, repairing, and maintaining the equipment and supplies used by the Department in providing fire and emergency services continues to grow each year; and

WHEREAS, the Mayor and Committee of the Township of Lebanon (“Township Committee”) acknowledges the Department’s interest in securing additional funding sources so that it can continue to provide fire and emergency services for the benefit of the Township and persons traveling within the Township; and

WHEREAS, the Township Committee has been advised that fire insurance and auto insurance policies in New Jersey will directly compensate local fire Departments for response if a Schedule of Fees has been adopted by ordinance; and

WHEREAS, the Township Committee believes that an ordinance establishing a revenue recovery plan for the costs and expenses of certain environmental hazards would be in the best interests of the Township;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, that Chapter 35 entitled “Fire Department” of the Code of the Township of Lebanon (“Code”) is hereby amended as follows:

SECTION 1. Chapter 35 of the Code entitled "Fire Department" is amended by adding sections 35-13 through and including 35-21, and deleting the existing sections, as follows:

§35-13 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

COSTS

All costs incurred by the Township or Department, including but not limited to the following: actual labor costs of personnel, including workers' compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials.

DEPARTMENT

The Lebanon Township Volunteer Fire Department

DISCHARGE

Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land, or into the air.

HAZARDOUS ABATEMENT INCIDENT:

Any incident where there is a discharge of a hazardous substance or petroleum product.

HAZARDOUS SUBSTANCE

Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency.

MATERIALS

All materials, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

PERSON

Any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

PETROLEUM PRODUCT

Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

§35-14 Authorization to Recover Costs and Expenses

The governing body of the Township of Lebanon authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; the costs of personnel hours and hazardous situation abatement materials involved in any hazardous abatement incident.

§35-15 Schedule of Fees and Costs.

Below is a schedule of fees and costs to be charged and invoiced by the Department to any person or their insurance carrier for whom or for whose property such services were rendered and/or materials provided.

Type of Incident	Description	Fee
Vehicle Incidents	Any hazardous abatement incident involving a vehicle substantial enough to cause the Department to use tools and skill (or extinguishing agent) to bring the incident under control.	\$750 per vehicle
Hazardous Substance Discharge	Intentional or unintentional discharge of a hazardous substance as defined herein; which includes, but is not limited to, hazardous materials fires.	Actual costs incurred and an hourly rate (not in excess of \$50 per hour) for all personnel involved in the response.

§35-16 Parties Responsible for Reimbursement to the Department.

Reimbursement to the Department as hereinbefore indicated shall be made by:

- a. The owner or operator of the vehicle responsible for hazardous material fire or discharge of hazardous material;
- b. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of any hazardous substance which is cleaned up or abated by the Department, including the owner of real or personal property from which a discharge of hazardous substance occurs, shall be liable for the payment of all costs incurred by the Department as a result of such clean up or abatement, including but not limited to, all costs for services rendered by any recovery company, towing company or such other technical assistance called for by the Department to handle such incident;
- c. The owner or person responsible for the vessel containing the hazardous material involved in such fire or discharge, whether stationary or in transit, and whether accidental or negligent;
- d. The owner or person responsible for any property from which any discharge of hazardous material emanates, whether accidental or through negligence; and
- e. The person responsible for the hazardous material fire, leak or spill, whether accidental or through negligence.

§35-17 Third-Party Billing Agent.

The Department is hereby authorized to bill and collect costs due to it under this chapter through a third party billing agent, provided that any such agreement with any professional agency engaged in the business of emergency response billing shall be subject to the approval of the Township Committee.

§35-18 Collection of Costs.

Said costs and fees as outlined above and as set forth on the schedule of fees and costs herein shall be recovered directly by the Department, or through a third-party professional agency engaged in the business of emergency response billing under a contract with the Department, by billing to the responsible party.

§35-19 Interest and Administration Fees.

In addition to the aforementioned fees and costs, the Department is hereby authorized to collect reasonable interest and administration fees for the collection of the fees and costs due and owing from the insurance companies or responsible parties for the services rendered and/or materials provided.

§35-20 Report to the Township Committee.

The Department shall provide a monthly report to the Township Committee detailing all billing and receipts under this chapter.

§35-21 Time Limit for Reimbursement.

Any person or entity responsible for any vehicle fire or discharge of hazardous materials shall reimburse the Department pursuant to the schedule of fees hereunder, or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of a statement from the Department outlining said costs and expenses. These provisions shall be subject to the following:

- a. Persons receiving services from the Department shall cooperate with the Department or other billing personnel hired by the Department to secure full payment for services rendered from any necessary insurance carrier.
- b. Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or be subject to penalties hereunder.
- c. Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from an insurance carrier as required by this chapter.
- d. The Department reserves the right to determine that a bill is uncollectable by reason of unavailability of insurance coverage and be written off.

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.

Ordinance No. 2016-08

Introduction

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2016-08 on first reading as entitled below.

**ORDINANCE NO. 2016-08
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED “ZONING”, SPECIFICALLY
SECTION 400-4, TITLED “DEFINITIONS”**

Public Hearing to be held on November 2, 2016

Appointment of Police Chief – Oath of Office

Mayor Laul stated that in the past few months the Committee has been working with the Police Department to figure out how to proceed with the retirement of Chief Mattson. Mayor Laul and Mr. McKee have interviewed five officers who had interest in the Police Chief’s position. Mayor Laul noted that prior to the interviewing process he did not have much interaction with the officers at all. Mayor Laul stated that during the process he learned how lucky Lebanon Township is to have such a diligent, hard working group of men employed by the Township. After interviewing three final officers for the position, the Township Committee is now ready to appoint the new Chief of the Police Department.

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee appointed John E. Gale, Jr. as Police Chief.

Mayor Laul administered the Lebanon Township Police Chief Oath of Office to John E. Gale, Jr.

RESOLUTIONS

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

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 66-2016
In Support of
North Hunterdon-Voorhees Regional High School District Board of Education
Referendum Question on November 2016 Ballot**

Ms. Maren Smagala and Mr. John Roncaroni of NHVRHS were present.

Mayor Laul stated that the Township has asked for representatives from the NHVRHS District to be in attendance this evening to answer questions that the Committee may have relative to Resolution No. 66-2016 which the Board has requested the Committee to consider. Ms. Smagala stated that the Board is presenting a referendum question on the November 8, 2016 ballot. The Board had presented a referendum in November 2015 which failed. Ms. Smagala said that Board listened to the feedback from the Community and reconsidered what the facility needs are. The items listed in the 2016 referendum are necessary repairs, renovations and upgrades that are needed for the district. Ms. Smagala reviewed the proposed projects with the Committee and noted that the plan that the Board is presenting will not raise the debt service tax for the taxpayers. The Board will be paying off a 15 year bond which was a greater amount than the current proposal, therefore, there will be no

additional money needed from the taxpayers. Ms. Smagala stated that if the referendum is approved by the voters, 30% of the projects costs will be subject to state funding. Ms. Smagala stated that the Board is seeking support from the voters. Mr. McKee questioned what will happen if the referendum fails. Ms. Smagala said that, based on priority, the projects will be placed in the annual budget; however, they will have to be paid at 100% as State Aid will not be available without the approved referendum. The 2% tax cap will need to be considered also. Mr. Schmidt asked for the current Capital Reserve in the District's budget. Ms. Smagala stated that she did not have the information at this time. Mr. Schmidt said that in the District's current budget there is \$4.5 million allocated for equipment and facilities and asked what the intended use is for the money. Ms. Smagala stated that the North Hunterdon elevator is being completed, an exit stairwell is being finished in the district office, the Voorhees roof is in the final stages of completion, money is allocated for a well replacement at Voorhees and repaving of the parking lots. Mr. Schmidt asked about the status of the Voorhees artificial turf field that was listed in the 2015 referendum. Ms. Smagala stated that the turf field is up to the Board that is seated at the time of Budget Development. The current Board members have voiced their desire in having a turf field; however, they cannot bind a future Board. Mr. Schmidt asked if there is money allocated in the Capital Reserve at this time for the field. Mr. Roncaroni stated that there is no mandate in the Capital Reserve at this time for the artificial turf field. Ms. Smagala stated that the money in the Capital Reserve is for current projects that were budgeted for. Ms. Smagala said that the Maintenance Reserve account has money allocated to replace the North Hunterdon turf field as it is coming due.

Mr. Wunder stated that typically the Board does not request this type of support from the Township Committee and asked what initiated it. Ms. Smagala stated that this is part of the Board's outreach effort. The hope is that voters may become more informed if they are aware that elected officials support the referendum.

Mr. Schmidt asked for clarification on the \$7.2 million dollars that will receive 40% of state funding and the \$2.5 million dollars that will receive no state funding. Ms. Smagala stated that it is actually 29.65% of the entire proposed projects. The library windows and the HVAC are eligible for state aid but the bleachers, ADA items and the locker room work are not. Mr. Schmidt stated that, for clarification purposes, the Board only has to have a \$7.2 million dollar bond offering in order to obtain state aid, not the \$9.8 million proposed. Ms. Smagala and Mr. Roncaroni agreed. Mr. Milkowski asked what the interest will be on the Bond. Mr. Roncaroni stated that it will be 2.75% on a 15 year fixed loan.

Mr. Milkowski stated that he does not feel that it is his position to tell the voters how to vote on something that is not directly related to the Township Committee or their budget. The Committee is not aware of the High School Districts costs and needs. The Committee discussed options in amending the proposed resolution.

Tabled to the October 19, 2016 meeting

Resolution No. 68-2016 - Tax Exempt Fully Disabled Veteran

Mr. McKee asked if the amount being reimbursed is only the municipal portion of the taxes paid by Mr. O'Conner, back to the date of application. The Committee would like future applicants to be provided with a copy of the Resolution outlining the Township's policy for Tax Exemption for

LTCM

10/05/2016

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Totally Disabled Veterans. Future exemption resolutions should include the date of application to the Township and that the amount to be reimbursed is the municipal portion only.

Tabled to the October 19, 2016 meeting.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 68-2016
TAX EXEMPT FULLY DISABLED VETERAN**

Resolution No. 69-2016 - Redemption of Tax Sale Certificate #201402

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 69 -2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 69-2016
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201402 on October 10th 2014 to US Bank Cust for PC5 Sterling and,

WHEREAS the amount of \$48,081.57 has been collected from the owner of this property, known as Block 12, Lot 34, 282 Route 513, Lebanon Township for the redemption of Tax Sale Certificate # 201402.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$48,081.57 for the redemption of this lien, and that this check be delivered to the lien holder and,

BE IT FURTHER RESOLVED that a check in the amount of \$6,200.00 be also prepared for the return of the premium paid for this certificate and sent to the lien holder:

US Bank Cust for PC5 Sterling
50 South 16th Street-Suite 1950
Philadelphia PA 19102

Resolution No. 70-2016 – Redemption of Tax Sale Certificate #201404

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 70-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 70-2016
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201404 on October 10th 2014 to US Bank Cust/Empire VI and,

WHEREAS the amount of \$8,851.59 has been collected from the owner of this property, known as Block 24, Lot 48, 412 North Road, Lebanon Township for the redemption of Tax Sale Certificate # 201404.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$8,851.59 for the redemption of this lien, and that this check be delivered to the lien holder and,

BE IT FUTHER RESOLVED that a check in the amount of \$200.00 be also prepared for the return of the premium paid for this certificate and sent to the lien holder:

US Bank Cust/Empire VI
50 South 16th Street-Suite 1950
Philadelphia PA 19102

Resolution No. 71-2016 - Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan

The Committee needs further information from the OEM Coordinator prior to taking action.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 71-2016**

HUNTERDON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Tabled to the October 19, 2016 meeting.

Resolution No. 72-2016 - Awarding a Contract for Rock Salt

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 72-2016 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 72-2016
RESOLUTION AWARDING A CONTRACT FOR
ROCK SALT**

WHEREAS, the Board of Chosen Freeholders awarded a master contract to International Salt, Inc. (Rock Salt) on September 20, 2016 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2016- 14 for the 16/17 season, and

WHEREAS, the Township Committee has requested to participate in the Cooperative Pricing System for Snow and Ice Control Materials with the anticipation of purchasing 2000 tons of Rock Salt, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of September 1, 2016 to August 31, 2017.

COMPANY	ITEM	PRICE
Atlantic Salt	Rock Salt	\$ 57.25 per ton

OLD BUSINESS

DPW Garage Floor

Mayor Laul stated that he received an email from Steve Risse regarding the response he received from the DPW garage project structural engineer. The structural engineer stated that altering the mechanics bay floor will be a large undertaking. The engineer stated that “The intent is that the hairpins and the wire mesh in the floor act together to engage the concrete floor slab as a weight to rest the thrust at the base of each column. The use of the dowels will help restore this assembly.” The engineer suggested that the work be done in two phases, from right and left so some of the horizontal resistance is sustained during the alterations. The engineer also warned that the work should be done when there is no possibility of snow being on the roof. The Committee agreed that the bid specs need to reflect that the work must to be done in two phases.

Appoint Library Assistant Clerk and Substitute Assistant Clerk

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee appointed Eileen Lebida as the Assistant Clerk at the rate of \$14.25 per hour and Ada Roth as the Substitute Assistant Clerk. AYES: Wunder, Schmidt, Laul NAYS: McKee, Milkowski

Appoint Temporary DPW Employee(s)

Held for Executive Session

Town Wide Clean Up

Mayor Laul wanted to hold the Town Wide Cleanup this year; however, due to conflicts with the Recycling Coordinator’s schedule and the DPW building being used for rabies clinic, it is not possible to hold the event. LMR Disposal is willing to hold their price until the spring. The Town Wide Clean Up will be held in the spring of 2017.

NEW BUSINESS

Friends of Memorial Park – Spring and Fall Cleanup

Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Friends of Memorial Park to hire Homestead Lawn

and Landscape, LLC for a spring and fall cleanup. A Certificate of Insurance will be obtained from Homestead, naming the Township and the Friends of Memorial Park as additionally insured. The Friends of Memorial Park will cover the cost of the services.

Cancel November 16, 2016 Committee Meeting

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee canceled the November 16, 2016 Committee meeting for Committee attendance at the 2016 NJ League of Municipality Conference.

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 October 5, 2016 bill list in amount of \$ 1,111,946.08

CORRESPONDENCE

- a. New Jersey Courts – 2016/2017 Annual Visitation of the Lebanon Township Court

PUBLIC COMMENTS

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 at 8:05 p.m.

Ms. Laurie Hoffman asked if the Township Committee will be contracting out for snowplowing. Mayor Laul stated that the DPW Manager has obtained information and it is an option that has been discussed. Ms. Hoffman stated that winter can occur at any time now. Ms. Hoffman provided her opinion on the Committee not following through with items that they have discussed.

Mr. Gary Milkowski stated that he agrees with Ms. Hoffman in that the Committee did not follow through on contracting out for snow removal. Mr. Milkowski questioned putting “Summer Help” in large trucks when they have no experience. He thinks that if the Committee advertises for the position they may be surprised with the individuals that may be interested in the position and that have experience and a CDL. Mr. Milkowski said that the Committee has not followed through. Mr. Wunder stated that the DPW Manager has provided the information that he has collected on subcontracting the work.

Mr. Victor Hoffman asked if the Committee will be provided with the information that the DPW collected. Mr. Wunder will speak to Mr. Gabriel. Mr. Hoffman asked when and how the Committee will discuss the high school referendum prior to the next meeting. Mr. Milkowski stated that it was discussed this evening and the resolution now needs to be reworded to reflect the discussion. Mr. Hoffman said that the public would like to know what the resolution is going to say so they can comment on it prior to adoption. Mr. Hoffman stated that it appears that the Committee

is in agreement with the proposed language. Mr. Wunder stated that that is not the case because he is not in favor of the resolution.

Mr. Charlie Fortenbacher asked for the status of the Park gate. Mayor Laul stated that the Police Chief is opening the gate on the weekends. The signs are ordered and there has been discussion on speed bumps; which may not be a viable option.

Motion by Mr. Milkowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:14 p.m.

Resolution No. 67-2016 –Executive Session

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

Motion by Mr. McKee, seconded by Mr. Milkowski 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; **97 Red Mill Road**

_____ 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.

The Township Committee reconvened the Public Meeting at 8:58 p.m.

Appoint Temporary DPW Employee(s)

Motion by Mayor Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Gary Magyar (\$16.00) and Jeff Fulloon (\$17.00/CDL) to Temporary DPW positions subject to termination at any point in time. The Clerk will write a letter to the individuals notifying them of the Committee's actions.

The DPW Manager is to be in attendance at the next meeting to discuss operations of the DPW. Mr. Milkowski asked that , in the future, all personal information be redacted from employment applications, prior to being provided to the Committee.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:04 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 19, 2016

Marc Laul, Mayor