

Meeting audio can be found at lebanontownship.net

**Lebanon Township Committee
October 16, 2019**

Minutes of Regular Meeting

CALL TO ORDER

Mayor 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 stand for the Flag Salute followed by a Moment of Silence for our men and woman in service.

ROLL CALL

Present	Marc Laul	Thomas McKee	Brian Wunder
	Mike Schmidt	Beverly Koehler	

Absent- None

Also Present - Attorney Matt Lyons, Business Administrator James Barberio, Deputy Clerk Kimberly Jacobus and 11 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 2, 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 Meeting of October 2, 2019.

PUBLIC COMMENTS – for agenda items only

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

There was no comment from the public.

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

PROCLAMATION – Recognizing the Induction of George Zack into the North Hunterdon High School Athletic Hall of Fame

George Zack and his daughter Tracy were present as Committeewoman Koehler read the proclamation for the record as written below.

PROCLAMATION
RECOGNIZING THE INDUCTION OF MR. GEORGE ZACK INTO THE NORTH
HUNTERDON HIGH SCHOOL ATHLETIC HALL OF FAME

WHEREAS, breaking onto a tough varsity football line as a sophomore is a great achievement and; WHEREAS, in spite of his youth, in 1957 George Zack held the position of left tackle at North Hunterdon High School; and

WHEREAS, the 1957 North Hunterdon team proceeded to run up a 7-1 record defeating all the usual foes in the county including arch rival Hunterdon Central which was routed 25-0; and WHEREAS, the newspaper noted George Zack's ability after the win over Hunterdon Central with statements such as "crisp blocking, fierce tackling, huge holes ripped open and "a big hole off left tackle for the Lion's third touchdown"; and

WHEREAS, in George's junior year the 6-1-1 team again won the county championship, defeated Metuchen and in a brutal defensive battle held Highland Park to a 0-0 tie, which led to the *Courier* story including the encomium: "George Zack is the lineman of the week. The 6'1", 205 lb left tackle was the mainstay of the Regional line. He was great defensively...played all 48 minutes...sustained a knee injury and may be out for two weeks". For this honor, George Zack beat out a Bernard's end that caught three Touch Down passes: and

WHEREAS, in 1957 George Zack was also a key member of the newly formed North Hunterdon varsity wrestling team and won a silver medal in the District tournament, a great feat for a first year effort; and

WHEREAS, the following year during the Christmas tourney at Hunterdon Central George was the varsity wrestling team's lone champion, winning the heavyweight title with a pin; and

WHEREAS, in the 1959-60 season the wrestling team had its first winning record, placed third in the district and participated in the big match of the North Jersey Invitational Tournament which featured three state champions and two runners-up and the *Courier* noted: "George Zack of Regional lost little time in letting the wrestling world know he was out for big game, for his superior strength and determination made short work of his Somerville opponent, pinning him in 57 seconds of packed action to raise the roof of the gym"; and

WHEREAS, Mr. George Zack is a local resident and spent most of his youth in Changewater, was a long time Boy Scout, race car enthusiast and a member of several race teams at Flemington Fairground Speedway; and

WHEREAS, George married his high school sweetheart Linda and they remained in Changewater until moving to their Woodglen Rd. home in the late 1960's; and

WHEREAS, George and his late wife Linda have a son George, Jr. and a daughter Tracy who were both, two-sport athletes like their Dad and also have five grandchildren and one great grandchild and;

WHEREAS, George spent most of his working years in heavy construction involving bridges, roads and water treatment plants until his retirement; and

WHEREAS, he and Linda were also very involved with the Voorhees High School Athletic “Booster Club” program and;
WHEREAS, in retirement George enjoys spending his free time with his family in NJ and MD and driving around Lebanon Township keeping an eye on everything, making sure that the coffee is hot at the Woodglen General Store, seeing if the fishing is good in his favorite spots, and is always looking out for a great antique or treasure for someone and;
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby recognize and celebrate the induction of long time resident and township volunteer Mr. George Zack into the North Hunterdon High School Athletic Hall of Fame on October 12, 2019.

RESOLUTIONS

Resolution No. 85-2019 – Approving the Execution of the Rehabilitation Documents

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approve Resolution No. 85-2019 authorizing the execution of the Housing Rehabilitation Program Loan Agreement and all associated documents. (as written below)
AYES: Laul, Koehler, McKee, Schmidt NAYES: None ABSTAIN: Wunder

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 85-2019
AUTHORIZING THE EXECUTION OF A HOUSING REHABILITATION PROGRAM
LOAN AGREEMENT AND ASSOCIATED DOCUMENTS**

WHEREAS, the Township of Lebanon’s (the “Township”) Affordable Housing and Fair Share Plan requires the Township to provide funding for the rehabilitation of three housing units owned and/or occupied by very low-, low-, or moderate income households through its Housing Rehabilitation Program (the “Program”); and

WHEREAS, the Township’s Affordable Housing Spending Plan provides \$66,000 to fund the Program with up to \$30,000 to be provided for a single unit, as long as the average funding provided for each of the three units is \$10,000; and

WHEREAS, the Program provides interest free loans to property owners in the Township to rehabilitate housing units in order to bring them into compliance with applicable building and housing codes and standards; and

WHEREAS, the Township’s Affordable Housing Administrative Agent solicited applications for the Program; and

WHEREAS, the Administrative Agent received one application and verified that the applicant meets the required income qualifications; and

WHEREAS, the Township Committee has reviewed certain application materials provided by the Administrative Agent to confirm such determination; and

WHEREAS, the Applicant's personal identifying information was redacted from the materials provided to the Township Committee so as not to prejudice any decision by the Township Committee; and

WHEREAS, the Township's Construction Official verified the scope of work required to bring the Applicant's primary residence located in the Township up to code; and

WHEREAS, because the Township employs a Qualified Purchasing Agent, its bid threshold is \$40,000 under the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*); and

WHEREAS, the Administrative Agent obtained three quotes for the rehabilitation work as follows, which are attached hereto as **Exhibit A**:

Hunterdon Siding and Window Company	\$30,000
Jeff Alte, Jr. Contracting	\$38,800
Bellari	\$35,300; and

WHEREAS, the Township now desires to approve the above-referenced quote from Hunterdon Siding and Window Company and authorize the execution of an agreement with the property owner so that the proposed rehabilitation work can commence; and

WHEREAS, the Applicant shall be required to execute a Mortgage and Note for the loan providing that the principal of the loan will be repaid with administrative costs if the subject property is sold or otherwise transferred within a ten-year period; and

WHEREAS, Applicant shall also be required to execute an agreement with the chosen contractor for performance of the rehabilitation work.

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

1. The Township Committee hereby approves the application provided by the Administrative Agent and authorizes granting a rehabilitation loan to the Applicant in the amount of \$30,000.
2. The Township Committee hereby approves the quote from Hunterdon Siding and Window Company in the amount of \$30,000 to perform the rehabilitation work as specified therein.
3. The Township Committee hereby authorizes the Mayor and Clerk to execute the attached Rehabilitation Program Agreement (**Exhibit B**) with the Applicant and all other documents required to effectuate the intended transaction, including but not limited to a Note and Mortgage.
4. This Resolution shall take effect immediately.

OLD BUSINESS

Schedule Special Meeting for Police Chief Interviews

Committeeman Laul stated that a list was posted in the Police Department for any Officer who wanted to be interviewed for the Chiefs position. The Township Committee will be meeting with the candidates for the position and need to set up the dates for the interviews. The Committee decided on November 7 and 14 at 6:00, 7:00, and 8:00 pm for the interviews.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved scheduling 2 Special Meetings for interview for the Police Chiefs position on November 7 and 14 at 6 p.m.

Winding Brook Lane - Ice and Snow Control Proposals – Tabled to Executive

NEW BUSINESS

Best Practices Worksheet CY 2019 – Tabled to the November Meeting

Fire Department Request for EMS Program Funding

In March when the budget was prepared, the Fire Department informed the Committee that they were going to launch a paid EMS program, starting July 1, 2019. The Fire Department has been providing ambulance service 24/7 to the Township with our own employees and ambulances and they are billing for this service. When the Township budgeted for this they knew that bills would be sent out and would have to wait for the insurance company for payment. The Fire Department is now requesting the \$30,000 that was budgeted for them if they ran into problems with finances once they went paid. They have had billable calls but the money has been slowly “rolling in”.

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized the payment of \$30,000 to the EMS program funding.

Mr. Steve Krevsky – Request for Extension of Approval to Reside in Camper

Mayor Schmidt stated that 2 years ago Mr. Krevsky’s house had a fire and required significant renovation. He received permission to reside in a trailer on the property while doing the renovation. The work has taken longer than had been expected. He has been applying annually to extend his time. Progress is being made on the house.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee granted the extension of time to October 30, 2020 and that all statutes, regulations and ordinances, going forward, continue to remain in full effect.

Highlands Grant Program - Stormwater Ordinance Modifications

Discussion was held on the Highlands Grant Program for the Stormwater Ordinance Modifications that was submitted by the Township’s Engineer, Steve Risse. The Township being part of the Highlands Regional Master Plan are required to update our Stormwater Management rules. The Township can get a grant from the Highlands to do this if we apply for it. The Township Engineer supplied to the Committee a Statement of Work (SOW) which he would use for an application to get a grant from the Highlands do the work which includes mapping the Stormwater infrastructure and the like.

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized the SOW for the Township Engineer for the purposes of applying for the grant.

Business Administrator

Business Administrator Barberio has contacted the Township's Risk Manager to go over policies and procedures manual for employees. It has not been updated in years, and to conform it has to be updated every 2 years. Mr. Barberio is going to sit with the Risk Manager to go over the manual and update it. He also stated that he should be appointed Fund Commissioner. He would be able to attend meetings and Mr. Barberio would be able to do more for the Township with the appointment.

Mr. Barberio also spoke with Kerry Pflugh at the NJDEP asking for help with grants. He asked if there were any for tree removal. Ms. Pflugh stated that there were not any available at this time, but she would keep Mr. Barberio updated.

Mayor Schmidt-Historians Outhouses

Mayor stated that he had attended a Historians meeting and noted that they have a collection of buildings at the museum, two being outhouses. The Califon Historians are interested in an outhouse. It is premature but if the Historians voted to divest of one of the outhouses and donate it to Califon, the Township would have no objection.

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 October 16, 2019 bill list in the amount of \$2,940,938.00.

CORRESPONDENCE

- a. Tax Collector's Report for the month of September 2019
- b. Animal Control Officer's Report for September 2019
- c. YMCA Active Older Adult Center
- d. Curator's Mini Report
- e. Office of the Attorney General – Emergency Operations Plan

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.

Ron Milkowski – Rocky Run Road, inquired how the CWA negotiations were going.

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

EXECUTIVE SESSION - Resolution No. 86-2019

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2019 and convened in executive session at 7:47 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 86-2019**

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: _____);

X _____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 negotiation is: **Snow Removal-Little Brook Lane**

_____ 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 Committee reconvened the public meeting at 8:45 p.m.

Mayor Schmidt stated that there was one item for action. He asked Attorney Lyons to read the motion.

Attorney Lyons stated: Be it resolved that the Township would enter into a contract for snow

removal from November 1, 2019 until October 31, 2020, with Homestead Lawn and Landscape LLC, the price to be \$600 per plow and ice control for Winding Brook from East Hill Road to Winding Brook Lane and \$380 for the same services on Pine Ridge, a one-year contract for that service. Any such endeavor to be at the direction of the Director of Public Works Warren Gabriel.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved hiring Homestead Lawn and Landscaping LLC with the conditions outlined in Attorney Lyon's previous statement.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: December 18, 2019

Mike Schmidt, Mayor