

**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 Meetings 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 Beverly Koehler

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 14 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Special and Executive Session Meetings of October 18, 2017**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special Meeting and Executive Session of October 18, 2017.*

**Minutes of the Regular Meeting of October 18, 2017**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of October 18, 2017.*

**Minutes of the Executive Session Meeting of October 18, 2017**

*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 of October 18, 2017.*

**PUBLIC COMMENTS – for agenda items only.**

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

**ORDINANCES**

**Public Hearing - Ordinance No. 2017-09**

**Mr. McKee left the meeting.**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the public hearing for Ordinance No. 2017-09 was opened. AYES: Wunder, Koehler, Laul, Schmidt  
NAYS; 0*

Ms. Ingrid Vandegaer was present from the New Jersey Conservation Foundation. Ms. Vandegaer provided an overview of the benefits associated with the acquisition of the Pelio properties, e.g., trail opportunities with connectivity, including long distance trails, habitat for wildlife and water quantity and quality. Ms. Vandegaer also noted that the property is listed in the Hunterdon County Open Space Plan, the Point Mountain Bioregion, the Lebanon Township Open Space Plan and the Spruce Run Initiative.

Mr. Adam Duckworth, Chairman of the LTEOSC, reiterated comments made by Ms. Vandegaer on the benefits in acquiring the Pelio parcels. Mr. Duckworth stated that the LTEOSC supports the purchase and is looking forward to it being finalized.

Ms. Nancy Lawler, of the LTEOCS, stated that this acquisition is a hole in a long greenway that has been worked on for many years. The property has been in the Open Space Plan for years and the money to be used for the purchase is dedicated to Open Space. Ms. Lawler noted that the Township has not been purchasing land for a few years and has been saving money to put toward a purchase such as this. Ms. Lawler said that the properties are a “piece of a treasure in the northern watershed” and the land should be protected from being disturbed. Ms. Lawler commended the Committee on their efforts.

Mr. Gene Slowinski said that he strongly supports the opportunity to acquire the properties and thanked the Committee and Mr. Schmidt for their efforts.

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-07 was closed.*

Ms. Koehler said that she loves the idea of open space and campaigned on it but based on questions raised by constituents she needs to ask for clarification on preservation. Ms. Koehler asked about the loss of tax revenues, the reason for paying top dollar for land that is located in the Highlands Preservation Area, when does preservation conclude and how does all of the preservation affect the taxpayers? Ms. Koehler asked about the Open Space Tax and if there would be a need to increase it. Ms. Koehler also asked for clarification on who will own the parcels once the acquisition is complete and can the rules for the property change, such as zoning? Ms. Koehler asked who the appraisers are for the acquisition and questioned if there were any right-of-way's on the property. Ms. Koehler also asked if there is any remediation that needs to be done on the property.

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2017-09 as written below. AYES: Wunder, Koehler, Laul, Schmidt NAYS; 0*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 2017-09

AN ORDINANCE AUTHORIZING THE PURCHASE OF 244 +/- ACRES OF PROPERTY DESIGNATED AS BLOCK 50 LOT 10, BLOCK 51 LOTS 1 AND 5, BLOCK 53 LOT 12 AND BLOCK 56 LOT 15

**WHEREAS**, the New Jersey Conservation Foundation ("NJCF") has negotiated an Option Agreement with property owners, Earl Pelio; Estate of Joan Pelio, Deceased by its Executor Earl Pelio; Richard Pelio; and the Estate of Robert Pelio, Deceased, by its Executrix Donna Pelio (hereinafter collectively referred to as "Seller"), to purchase land identified as Block 50 Lot 10, Block 51 Lots 1 and 5, Block 53 Lot 12 and Block 56 Lot 15 on the Municipal tax map of the Township of Lebanon (the "Township"), Hunterdon County, consisting of approximately 244 +/- acres (the "Property") for an aggregate purchase price in the amount of \$2,000,000; and

**WHEREAS**, the Property comprises woodlands and fields in agricultural use along Sharrer, Mt. Lebanon and Turkey Top Roads in the Township and its acquisition would link already preserved properties from the Teetertown to Point Mountain Preserves and extending to Miquin Woods, to create a greenway of approximately 2,600 acres in the northern part of the Township; and

**WHEREAS**, the Property has been identified as a Preservation Priority in the Open Space and Recreation Plan element of the Township's Master Plan and offers attractive recreational uses and environmental preservation benefits, including water quality and supply protection and habitat conservation, especially owing to its proximity to other preserved properties and as such this purchase is consistent with the Township's Master Plan; and

**WHEREAS**, the fair market value of the Property was established by two professional appraisals, which were reviewed by the New Jersey Department of Environmental Protection Green Acres (the "NJDEP Green Acres"), and a pre-Highlands Average of Appraised Values (AAV) of \$2,016,000 was issued on September 28, 2017; and

**WHEREAS**, the NJCF will retain professionals to prepare a preliminary site assessment report, survey, and title search, each subject to review and approval of NJDEP Green Acres; and

**WHEREAS**, total closing costs are estimated to be approximately \$60,000, with partial funding to be provided by the New Jersey Water Supply Authority and the remaining balance to be allocated among the funding sources described herein; and

**WHEREAS**, the Hunterdon County Freeholders by way of formal resolution adopted June 6, 2017 have approved \$1,000,000 in grants from the Hunterdon County Open Space, Farmland, and Historic Preservation Trust Fund, consisting of a Municipal Grant to the Township and a Nonprofit Grant to NJCF, for acquisition of the Property with the anticipation that the Property will be incorporated into the Hunterdon County Park System; and

**WHEREAS**, funding of \$675,000 from NJDEP Green Acres will be allocated to the acquisition, subject to completion of project agreements, consisting of a grant of \$500,000 to the Township and a grant of \$175,000 to the Hunterdon Land Trust; and

**WHEREAS**, NJCF has received private funding commitments in aggregate of \$303,000 from various private foundations and individuals to be used for the acquisition of the Property; and

**WHEREAS**, NJCF and the Township are continuing to pursue additional grants from private foundations and individuals to be used for the acquisition of the Property; and

**WHEREAS**, the Township portion of contribution inclusive of total closing costs shall not exceed \$55,000; and

**WHEREAS**, Lebanon Township has dedicated Open Space fund balances from previously collected Open Space taxes at the local level that are sufficient to provide the anticipated funds needed to complete the acquisition of the Property and such funds can be allocated to the acquisition by separate Resolution of the Township Committee and the chief financial officer of Lebanon Township, Gregory J. Della Pia having certified in writing as to the availability of funds totaling \$55,000 as required by N.J.A.C. 5:30 – 5.4 (a) 1 with a copy of said written certification attached hereto as exhibit a; and

**WHEREAS**, the Township will enter assignment agreement(s) subject to separate Resolution of the Township Committee with funding partners as needed to facilitate matching funds for Closing the acquisition and for allocation of ownership interests as determined by the Township Committee; and

**WHEREAS**, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-3 *et seq.* requires adoption of an ordinance to authorize the participation in the acquisition and then conveyance of the Property; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, as follows:

**SECTION 1.** The Township shall authorize its \$500,000 portion of the NJDEP Green Acres grant to be utilized for the purchase of the Property from Seller.

**SECTION 2.** The availability of funds having been certified as described herein, the Township is hereby authorized to participate in the acquisition of the Property as referenced hereinabove with the expenditure of funds from its existing dedicated Open Space Fund in an amount not to exceed \$55,000.

**SECTION 3.** The Mayor and Clerk are hereby authorized and directed to take all necessary actions and execute all necessary documents, including but not limited to an agreement accepting assignment of the Option Agreement, deed of conveyance, HUD-1 settlement statement, affidavit of title, and such other closing documents in order to authorize both the acquisition and conveyance of the Property.

**SECTION 4.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision,

clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect after final passage and publication as prescribed by law.

**Mr. McKee rejoined the meeting.**

## **RESOLUTIONS**

### **Resolution No. 104-2017 –Redemption of Tax Sale Certificate – Paul Clausen**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 104-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 104-2017  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS, the Tax Collector did sell a Tax Sale Certificate #200813 on October 22<sup>nd</sup> 2008 to Lebanon Township and,

WHEREAS, the amount of \$2,539.98 has been collected from Paul Clausen, the owner of this property, known as Block 12 Lot 68, 122 Forest Drive (rear), Lebanon Township for the redemption of Tax Sale Certificate #200813.

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 \$2,539.98 to Lebanon Township for this redemption.

### **Resolution No. 105-2017- Redemption of Tax Sale Certificate – Paul Clausen**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 105-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 105-2017  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201501 on October 23<sup>rd</sup> 2015 to BV001 Trust & Crdtrs and,

WHEREAS the amount of \$57,628.03 has been collected from Paul Clausen, the owner of this property, known as Block 12 Lot 10.10, 122 Forest Drive, Lebanon Township for the redemption of Tax Sale Certificate #201501.

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 \$57,628.03 to US Bank Cust for BV001 Trust & Crdtrs for this redemption, and,

BE IT FURTHER RESOLVED that an additional check in the amount of \$42,100.00, which was the premium paid for Tax Sale Certificate #201501, be prepared and signed and that these checks be mailed to:

US Bank Cust for BV001 Trust & Crdtrs  
50 S 16<sup>th</sup> Street-Suite 2050  
Philadelphia PA 19102-2513

**Resolution No. 106-2017 –Redemption of Tax Sale Certificate - William Dehart**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 106-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 106-2017  
REDEMPTION OF TAX SALE CERTIFICATE  
WITHIN 10 DAYS

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201708 on October 13<sup>TH</sup> 2017 to Christiana T C/F CE1/ Firsttrust and,

WHEREAS the amount of \$672.41 has been collected from William Dehart for Martha Dehart Est., the owner of this property, known as Block 69 Lot 45, 178 Musconetcong River Road, Lebanon Township for the redemption of Tax Sale Certificate #201708.

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 \$672.41 to Christiana T C/F CE1/Firsttrust for this redemption within ten days, and,

BE IT FURTHER RESOLVED that an additional check in the amount of \$11,700.00, which was the premium paid for Tax Sale Certificate #201708, be prepared and signed and that these checks be mailed to:

Christiana T C/F CE1/Firsttrust  
PO Box 5021  
Philadelphia PA 19111-5021

**Resolution No. 107-2017 –Tax Exempt Fully Disabled Veteran**

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 107-2017 as written below*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 107-2017  
TAX EXEMPT FULLY DISABLED VETERAN

WHEREAS, the Tax Collector of Lebanon Township has been shown proof and in accordance with the Tax Assessor ascertains that Jacinto Rivera, owner of Block 58, Lot 4, 253 Musconetcong River Road in the Township of Lebanon, is a totally and permanently disabled veteran because of his service to the United States, and has been so declared by the Veteran's Administration, and,

WHEREAS, in accordance with N.J.S.A. 54: 4-3.32, the governing body of any municipality may refund the amount of taxes collected on any property which would have been exempt from taxation and,

WHEREAS, taxes have been billed for 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Mr. Rivera be reimbursed in the amount of \$776.22 for the Municipal portions of his tax bill prorated nunc pro tunc to June 23, 2017, the date of his award letter from the Veteran's Administration, because he promptly submitted it to the Township and the filing of his application had been delayed due to the absence of a Tax Assessor and not because of any action or inaction of Mr. Rivera,

BE IT FURTHERMORE RESOLVED, that the property be tax exempt from property tax as long as it is owned and occupied by Jacinto Rivera or his surviving spouse in accordance with the continuance of the right to exemption beginning in 2018.

**Resolution No. 108-2017 –Urging the State Legislature to Approve Angioplasty Facilities**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 108-2017 as written below. AYES: Wunder, Koehler, Laul, McKee ABSTAIN: Schmidt*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 108-2017

Resolution Urging the State Legislature to approve A-1834/S-178 which requires the Department of Health to license additional angioplasty facilities, with at least one in each county

WHEREAS, heart disease remains the number one cause of death in the region; and  
WHEREAS, a number of regional hospitals have expert Cardiologists and state-of-the-art facilities where non-elective emergency angioplasty procedures are performed with great success and excellent outcomes; and

WHEREAS, some of these hospitals do not have state approval to conduct elective angioplasty, a scheduled treatment to open narrowed arteries of the heart, therefore

exposing cardiac patients to severe risk and potentially unnecessary secondary transportation post emergency to an approved facility; and

WHEREAS, although national studies have concluded that performing elective angioplasty at facilities without surgical back-up is safe, cardiac patients must go to alternate and out of state facilities when the procedure can be conducted successfully at the medical center; and

WHEREAS, New Jersey is one of only a small number of states nationally without regulations allowing for the safe conduction of elective angioplasty at qualified facilities without on-site cardiac surgery; and

WHEREAS; New Jersey has a responsibility to provide comprehensive, preventive cardiac healthcare resources with equal access to all of the state's citizens; and

WHEREAS, Assemblymen Herbert Conaway and Jack Ciattarelli and Senators Christopher Bateman and Jeff Van Drew have introduced A-1834/S-178, which requires the Department of Health to license additional angioplasty facilities, with at least one facility in each county;

NOW, THEREFORE, BE IT RESOLVED, that the Lebanon Township Committee urges the legislature to approve A-1834/S-178 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Health, the Lieutenant Governor and the Governor of State of New Jersey.

**Resolution No. 109-2017 – Person to Person Transfer – River Styx**

*Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 109-2017 as written below. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder*

Township of Lebanon  
County of Hunterdon  
Resolution No. 109-2017  
Person to Person Transfer of Liquor License

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1019-33-008-002, heretofore issued to Linda C. Schuyler Executrix for Ledyard B Schuyler Jr., for premises located at 374 Vernoy Road, Lebanon Township NJ;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulation promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW THEREFORE BE IT RESOLVED, that the Lebanon Township Committee does hereby approve, effective November 1, 2017 the transfer of the aforesaid Plenary Retail Consumption License to Asdal Holdings, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Asdal Holdings, LLC, effective November 1, 2017."

## **OLD BUSINESS**

### **DPW Floor**

Engineer Steve Risse prepared specifications for the grinding of the DPW floor to correct the drainage issues in the mechanics bay. Attorney Lyons will prepare the bid package to be reviewed and approved by the Committee, at the December 6, 2017 meeting.

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Attorney to prepare the bid package which will come back to the Committee for review and approval at their next meeting.*

### **Animal Control Officer**

Mr. McKee asked if there has been any movement in amending the policy for Animal Control. Ms. Koehler said that she met with the Police Chief and the ACO and there will be no changes to the original policy, with the exception of giving the ACO a little more leeway. Ms. Koehler will be placing a notice in the newsletter and on the webpage to inform the public of the process to follow when finding a lost dog.

### **Fall Festival and Halloween Madness**

Mayor Laul commended the Recreation Commission and the Park Committee on the great job that they did with the Harvest Festival and Halloween Madness. Mayor Laul thanked them for their efforts.

## **NEW BUSINESS**

### **Conservation and Maintenance Agreement – Westphalen - Block 49 Lot 1**

Mr. McKee stated that a Conservation and Maintenance Agreement must be entered into for the Westphalen Planning Board application approval. Due to the site improvements that will be done the Westphalen's will need to comply with the Township's Storm Water Management Ordinance and Soil Conservation's requirements. If there are concerns raised with the project, the Agreement will provide for the Township to access the property at the owner's expense. The Township will need to follow up to be sure that the Agreement is recorded with the County within 30 days.

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Conservation and Maintenance Agreement for the Westphalen project contingent upon it being recorded with the County within 30 days.*

### **Municipal Clerk's Request to Lease a Copy Machine**

The copy machine in the Clerk's Office is 10 years old and needs to be replaced. Two quotes have been received.

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Clerk's request to enter into a 5 Year Lease Agreement with Cannon Solutions for a Copy Machine, at a cost of \$215.00 per month. The Copy Machine will be leased through the National IPA Co-op.*

### **Police Chief's Request to Purchase 3 Bulletproof Vests**

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase 3 Bulletproof Vests from Lawmen Supply Co., at a cost of \$3668.10. Lawmen Supply is a State Contract Vendor.*

### **Painting of Police Station**

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the painting of the Police Station at a cost of \$8225.00. The painting will be done by Allstate Office Interiors.*

### **Accept Resignation – Kirk Petrik**

*Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Kirk Petrik from the Park Committee with regrets and much appreciation.*

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the November 1, 2017 bill list, in amount of \$ 436,011.24.*

### **CORRESPONDENCE**

Historian's September 7, 2017 Meeting Minutes and Curator's Report

## **PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:18 p.m.*

Ms. Laurie Hoffman, Historian Member, stated that the new Christmas ornaments have arrived and will be available for purchase at the Firemen's breakfast. Ms. Hoffman asked if Police Department purchases are within the operating budget. Ms. Hoffman asked if all of the Police Officers will now have bullet proof vests that are up to date. Ms. Hoffman questioned the cost of the ACO's September bill. Ms. Hoffman informed all that the Christmas Tree Lighting will be held on December 4, 2017 at 4:30 p.m.

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:27 p.m.*

## **EXECUTIVE SESSION**

### **Resolution No. 110-2017 –Executive Session**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 110-2017 and convened in executive session at 8:28 p.m.*

**It is not anticipated that action will be taken.**

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 110-2017  
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: \_\_\_\_\_);

\_\_\_\_\_ 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: **Mid-American Salt**

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. **2018 Professional Services**

\_\_\_\_\_ 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: Contract **CWA Local 1040-Police Matter** 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 9:24 p.m. No action was taken.

### **ADJOURNMENT**

Having no further business to come before the Committee, a motion was made by Mr. Wunder, seconded by Mr. McKee, and carried by unanimous favorable roll call vote, to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: December 6, 2017

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Marc Laul, Mayor