

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
November 18, 2020**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of Health Care Heroes, Servicemen and Woman, Police and First Responders.

ROLL CALL

Present - Mike Schmidt Thomas McKee
 Marc Laul Beverly Koehler

Absent- Brian Wunder

Also Present - Attorney Matt Lyons, Administrator James Barberio
 Clerk Karen Sandorse (via telecom)

PRESENTATION OF MINUTES

Minutes of the Regular Meetings of October 21, 2020

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular (as amended) and Executive Session Meetings of October 21, 2020.

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public.

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

POLICE SERGEANT PROMOTION

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Office Jeffrey Lane to Sergeant.

Mayor Schmidt administered to Sergeant Lane the Oath of Office.

RESOLUTIONS

Resolution No. 82-2020 – Comcast Cablevision Grant Funds

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2020 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 82-2020

COMCAST CABLEVISION TECHNOLOGY GRANT

WHEREAS Ordinance No. 2015-05 granted certain cable franchise rights in Lebanon Township to Comcast Cablevision and as part of the consideration for such rights a cash Technology Grant was provided to Lebanon Township in the amount of \$20,000; and

WHEREAS the Technology Grant funds were received from Comcast Cablevision in 2016 and were allocated to the accounting category known as Municipal Revenues Not Appropriated (MRNA) in the 2016 financial reports; and

WHEREAS Lebanon Township wishes to establish a Technology Trust account funded by the Technology Grant received from Comcast Cablevision.

NOW THEREFORE BE IT RESOLVED that funds of \$20,000 will be transferred from Municipal Revenues Not Appropriated (MRNA) into a new account to be called the Technology Trust account; and

BE IT FURTHER RESOLVED that funds from the newly established Technology Trust will be used to purchase technology for Lebanon Township consisting of computer hardware or software or professional services for the implantation and maintenance of computer hardware or software.

OLD BUSINESS

OPRA Conflict Counsel

Mr. Barberio provided names of two OPRA Conflict Attorneys for the Committee's consideration relative to the OPRA request submitted by Ms. Koehler. Joseph Sordillo of DeFrancesco & Bateman and Justin Marchetta of Inglesino, Webster, Wyciskala & Taylor. Mr. Barberio noted that he has

dealt with Mr. Marchetta through Tewksbury Township as well as when he was Mayor of Parsippany.

Mayor Schmidt questioned if the cost of the OPRA request could be passed on to the requestor. Attorney Lyons stated that he is not advising the Clerk or Township on this particular OPRA. The appointed Conflict Attorney will need to address the question.

Discussion was held on hiring an attorney.

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee appointed Mr. Justin Marchetta of Inglesino, Webster, Wyciskala & Taylor as Conflict Counsel, solely for the purpose of advising on the Koehler OPRA, with the first question to be raised, can the expense of the request be passed on to the requestor given the special nature of the situation. AYES: Laul, McKee, Schmidt NAYS: None ABSTAIN: Koehler

IT Professional

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved hiring Intrept Solutions for the rest of the 2020 year, to conduct an audit on the Township's existing IT infrastructure, make recommendations on the hardware and software and to upgrade the emails, in collaboration with the Clerk, at a cost of \$100 per hour, not to exceed \$2000.

Tac 19 Sale

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the sale of Tac 19 for \$15,000.00 to Bloomsbury Borough.

Shared Services Agreement-Lebanon Township School District – Special Services

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Shared Services Agreement with the Lebanon Township Board of Education for Special Services.

Municipal Office Air

Ms. Koehler asked if there are any updates on the mold inspection that was conducted in the Municipal Office. Mr. Barberio stated that he had reached out to the vendor today with no response. He will reach out to him again tomorrow.

Ms. Koehler OPRA Statement

Ms. Koehler stated that she had prepared a statement in relation to her recent OPRA request. She would like it attach to the minutes of this meeting. Ms. Koehler read her statement into the record.

ADMINISTRATOR'S UPDATE

Mr. Barberio stated that the Policy and Procedure manual was completed and sent to Attorney Lyons for review. Mr. Barberio also stated that Executive Order #192, regarding the taking of temperatures

and the requirement of a daily COVID questionnaire, was amended last week and will be amended again soon.

Mr. Barberio said that he will be working on the Hazard Mitigation Plan with the OEM Director.

The Purchasing manual should be completed shortly.

The Committee has taken Harassment training and Mr. Barberio will be speaking with the Township Attorney about Ethics training.

Mr. Barberio submitted the County Grant and it will be on their December 1st agenda. He also stated that he has reached out to of R.K. Environmental but has not had success in reaching them. He is looking to get 3 quotes for the basement.

Mr. Barberio informed the Committee that the reopening of the township facilities is going to be very difficult at this time as the Governor's Executive Orders keep changing.

NEW BUSINESS

Little Brook Lane Association – Snow Removal Contract

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved entering into an agreement with Homestead Lawn and Landscape, at a cost of \$600 per snow/ice event callout, with term of the agreement being from 11/19/2020 to 11/18/2023 with the ability to renew for one more year, through 2024.

Mayor Schmidt stated that Recreation will be having visits with Santa on December 6th.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the November 18, 2020 bill list in the amount of \$31,073.15.

CORRESPONDENCE

a. Curator's Report

PUBLIC COMMENTS

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:50.

Ms. Jeanne Lang, 106 Musconetcong River Road, stated that she cannot hear or understand anyone over the phone. Ms. Lang made comments on the appointment of the attorney for an OPRA request. Ms. Lang said that Facebook bashing has to stop. She also feels that Comcast can give a little more to the Township, other than the grant, as the cost of internet is very high.

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 at 7:56 p.m.

EXECUTIVE SESSION - Resolution No. 83-2020

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 83-2020 and convened into executive session at 7:57 p.m. Action will not be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 83-2020**

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;

_____ 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 Services – Township Engineer 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; whereas 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 8:21 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 16, 2020

Mike Schmidt, Mayor