

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
December 15, 2021**

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 our Servicemen and Women and First Responders.

ROLL CALL

Present - Mike Schmidt Thomas McKee Beverly Koehler
 Marc Laul Guy Wilson

Absent-

Also Present - Attorney Matthew Lyons, Administrator James Barberio, Clerk Karen Sandorse and 17 members of the public.

RECOGNIZING JOSH RICH FOR 50 YEARS OF PLANNING BOARD SERVICE

Mayor Schmidt made a statement honoring Josh Rich for his 50 years of service on the Planning Board.

PRESENTATION OF MINUTES

Minutes of the Regular Meetings of November 17, 2021 and December 1, 2021

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee tabled the minutes of the November 17, 2021 to relook at and to bring them back into the policy of being topics and points of discussion and the December 1, 2021 meetings.

Minutes of the Executive Session Meeting of November 17, 2021

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the November 17, 2021 Executive Session meeting.

Mayor Recusal

Mayor Schmidt will be recusing himself from all discussions related to Maria Naccarato as he entered into a non-work-related commercial agreement with her approximately 6 months ago.

Minutes of the December 1, 2021 Executive Session.

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee tabled the minutes to the Executive Session for potential action to be taken after. AYES: McKee, Laul, Wilson, Koehler Abstain: Schmidt

PUBLIC COMMENTS – for agenda items only.

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 7:06 p.m.

Ms. Maria Naccarato provided a statement regarding her employment experience with the Township and the Committee's decision to dismiss the Part Time Temporary Office Assistant position.

Mr. Darryl Schmidt made comments relative to agenda postings.

Ms. Kathryn Koch made comments on issues she has had with officials of the Township and actions taken by the Committee regarding Ms. Naccarato.

Motion by Mr. Wilson, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:20 p.m.

RESOLUTIONS

Resolution No. 94-2021 – Redemption of Tax Sale Certificate

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 94-2021 as written below. AYES: McKee, Laul, Koehler, Schmidt Abstain: Wilson

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 94-2021
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201903 on

September 13th 2019 to US Bank Cust for Pro Cap 8,

WHEREAS the amount of \$63,714.01 has been collected from the property owner for Block 18 Lot 47, 157 Mt Grove Road Road, Califon, for the redemption of Tax Sale Certificate #201903,

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 \$63,714.01 to US Bank Cust for Pro Cap 8 for the redemption amount and an additional check for \$38,000.00 for the premium monies collected at tax sale.

US Bank Cust for Pro Cap 8
50 South 16th Street Suite 2050
Philadelphia, PA 19102

Resolution No. 95-2021 – Return of Overpayment of Taxes

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 95-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 95-2021
RETURN OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$1,665.77 for 1st quarter 2022 and partial 2nd quarter 2022 taxes, due to a double payment for Block 10, Lot 2, 219 Rocky Run Road, assessed to John Darrow & Sara Schmitt and,

WHEREAS this amount has been requested for refund by the Tax Collector on behalf of Loan Depot who submitted the overpayment,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$1,665.77 to:

Loan Depot
25500 Commercentre Drive
Lake Forest, CA 92630

Resolution No. 96-2021 – Return of Overpayment of Taxes

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 96-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 96-2021
RETURN OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$6,098.48 for 3rd and 4th quarter taxes, due to a payments made after the parcel was deemed EXEMPT by the County Board of Taxation for Block 21, Lot 6.01, 384 Route 513, Califon, assessed to Hunterdon Medical Center and,

WHEREAS this amount has been requested for refund by the Tax Collector on behalf of Hunterdon Medical Center who submitted the overpayment,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$6,098.48 to:

Hunterdon Medical Center
384 Route 513
Califon, NJ 07830

Resolution No. 97-2021 – Return of Overpayment of Taxes

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 97-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 97-2021
RETURN OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$3,971.34 for 4th quarter taxes, due to the granting of a 100% Disabled Veteran Deduction which deemed this parcel TAX EXEMPT for Block 24, Lot 10.05, 5 Evergreen Lane, Califon, assessed to Robert Bello and,

WHEREAS this amount has been requested for refund by the Tax Collector on behalf of Robert Bello who submitted the overpayment,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$3,971.34 to:

Robert Bello
5 Evergreen Lane
Califon, NJ 07830

Resolution No. 98-2021 – Cancellation of Taxes

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 98-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 98-2021
CANCELTION OF TAXES

WHEREAS there exists tax balances for 4th quarter 2021 taxes and 1st and 2nd quarter 2022 taxes to be cancelled due to the Township of Lebanon obtaining ownership of this parcel,

the Township of Lebanon is TAX EXEMPT for Block 59, Lot 21, 248 Musconetcong River Road, and,

WHEREAS the amount of \$76.85 has been requested to be cancelled by the Tax Collector on behalf of the Township of Lebanon,

THEREFORE, BE IT RESOLVED that the Township Committee be authorized to cancel open taxes in the amount of \$76.85

Resolution No. 99-2021- Redemption of Tax Sale Certificate

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 99-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 99-2021
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #2019-5 on September 13th 2019 to US Bank Cust for Pro Cap 8,

WHEREAS the amount of \$50,446.51 has been collected from the property owner for Block 57 Lot 32, 128 Anthony Road, Glen Gardner, for the redemption of Tax Sale Certificate #2019-5,

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 \$50,446.51 to US Bank Cust for Pro Cap 8 for the redemption amount.

US Bank Cust for Pro Cap 8
50 South 16th Street Suite 2050
Philadelphia, PA 19102

Resolution No. 100-2021- Budget Transfers

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 100-2021 as written below

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION - 100 - 2021**

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2021 Budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be excess in one or more appropriations; and

WHEREAS, certain charges to be incurred or salaries and wages must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid before the end of the 2021 budget year,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey, that, as authorized by N.J.S.A. 40:A4-58, the CFO is hereby authorized and directed to make the following transfers:

	<u>From</u>	<u>To</u>
<u>Municipal Budget</u>		
Administration - O&E		
Municipal Clerk - S&W		
Municipal Clerk - O&E		
Finance - S&W	2,000.00	
Finance - O&E		1,000.00
Audit Services		
Tax Collector - S&W		
Tax Collector - O&E		1,000.00
Tax Assessor - S&W		0.20
Tax Assessor - O&E	1,000.20	
Legal - O&E	5,000.00	
Aid to New Hampton Museum - S&W		1,500.00
Aid to New Hampton Museum - O&E	1,500.00	
Planning Board - S&W		
Planning Board - O&E		
Board of Adjustment - S&W		
Board of Adjustment - O&E		
Zoning Officer - S&W		0.12
Zoning Officer - O&E	0.12	
General Liability Insurance		832.00
Surety Bonds		
Employee Health Insurance	20,000.00	
Police Department - S&W		10,000.00
Emergency Management - S&W		0.30
Uniform Fire Safety Official - O&E		
Road - S&W	5,000.00	
Recycling - S&W		
Board of Health - O&E		800.00
Dog Regulation - S&W		0.36
Dog Regulation - O&E		
Underground Tank Remediation		350.00
Parks Maintenance - O&E	2,500.00	
Aid to Library		
Accumulated Leave Compensation		
Provision for Salary Adjustment		
Electric & Gas	5,000.00	

Telephone	746.26	
Gas & Diesel Fuel		10,000.00
PERS		17,263.60
Social Security		
NJ State Disability Fund		
Municipal Court = O&E		
Total	<u>42,746.58</u>	<u>42,746.58</u>

UNFINISHED BUSINESS

Proposed Ordinances - Electric Vehicle Charging Station Ordinance Sign Ordinance

The proposed Electric Vehicle Charging Station Ordinance and the Sign Ordinance were discussed at the Planning Board meeting. The ordinances were reviewed by the Board with no changes recommended. Attorney Lyons will prepare the ordinances for introduction in the new year.

Special Meeting for Business Administrator Interviews

Tabled to Executive Session

Vestibule Update

The Municipal Office vestibule will now be open to the public. One person will be allowed in at a time. There will be a table set in the vestibule for the public's use. The public will be permitted to meet with officials in the building, at the discretion of the official, by appointment only.

NEW BUSINESS

Request to Appoint a Library Per Diem

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee appointed Kathleen Schwarz as Per Diem for the Library and Museum.

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 December 15, 2021 bill list in the amount of \$259,602.92.

CORRESPONDENCE

- a. Tax Collector’s Report for the Months of June -November 2021
- b. North Hunterdon Food Pantry – Ms. Koehler read letter from NHFP.
- c. Animal Control Officer Report for the Month of November 2021
- d. Memo-Planning Board & Board of Adjustment Recommendations for Reappointment

PUBLIC COMMENTS

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:42 p.m.

Mr. Darryl Schmidt provided comments relating to the Township’s website and digitizing records.

Ms. Lisa Rivers provided comments on the potential hiring of the new Business Administrator.

Ms. Nancy Lawler offered suggestions when making staff changes.

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 7:57 p.m.

EXECUTIVE SESSION

Action may or may not be taken.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 101-2021 and convened in Executive Session at 7:58 p.m. to discuss the Zoning Officer.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 101-2021

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): 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 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.); The general nature of the matter is:

 X 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: And 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. **Part Time Temporary Office Assistant – Zoning Officer – Interviews for the Business Administrator Position – Special Meeting Discussion**

_____ 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 meeting reconvened into the Public Session to hold discussion with Maria Naccarato at 8:07 p.m.

Mayor Schmidt left the meeting room.

Ms. Naccarato said that she would like the statement she read, under Public Comment, to be entered into the record under this Executive Session portion of the meeting.

The Committee held a discussion with Ms. Naccarato on the statement.

Motion by Mr. Laul, seconded by Mr. Wilson, the Township Committee voted to retract the termination of Ms. Naccarato effective January 19, 2022. AYES: Laul, Wilson NAYS: McKee, Koehler Motion fails.

Mayor Schmidt joined the meeting.

The Committee and Attorney Lyons held discussion on holding special meetings for Business Administrator interviews.

PUBLIC COMMENT

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

Mr. Adam Duckworth provided comments and questions on the Committee's actions regarding the office assistant.

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.

Attorney Lyons and Mr. Barberio departed the meeting.

Reconvene Into Executive Session

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee reconvened in to Executive Session to meet with a Business Administrator candidate.

The Committee reconvened the public meeting at 9:59 p.m.

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee scheduled a special meeting for the purpose of conducting interviews for the Business Administrator positions and any other business as deemed necessary. The date will be the

earliest that can be coordinated between, December 20th, 21st, 22nd or December 28th or 29th. Subject to the ability to effectuate notice.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote to adjourn the meeting at 10:02 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 16, 2022

Mike Schmidt, Mayor