

**Meeting audio can be found at [lebanontownship.net](http://lebanontownship.net).**

**Lebanon Township Committee  
August 19, 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 our First Responders, Health Care Workers and Servicemen and Women.

**ROLL CALL**

Present -	Mike Schmidt	Thomas McKee	Brian Wunder
	Marc Laul	Beverly Koehler	

Absent-

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

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Session Meeting of August 5, 2020**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of August 5, 2020.*

Minutes of the Executive Session Meeting of August 5, 2020 tabled to Executive Session.

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

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

A few members of the Historian Committee commented on the proposed amendment to the Historian's Ordinance and questioned why the members were not informed that it is being amended. They noted that they were a part of the original ordinance and raised concerns with not being included in the amendment. They would like to see the ordinance held until they have time to review it and provide comments. One member noted her support for the ordinance as it is necessary that clarification takes place.

Members of the public and the Anti-Racism Coalition of North Hunterdon stated their support for amending Resolution No. 18-2020. They would like Lebanon Township to take a stance and state their opposition to bigotry, hatred and racism.

*Motion by Mr. Wunder, 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. 2020-10 – Amending Chapter 40 – “Historian Committee”**

Mayor Schmidt said that a year and a half ago the Township adopted an ordinance establishing the Historian Committee. It was acknowledged that the Committee has functioned for many years but there was the need to ratify its formation. It has been found that there are words in the Ordinance that need clarification due to interpretation. Mayor Schmidt stated that the amendment is not to change the scope of the valuable work the Historians do. It is meant to define some legal issues that will provide clarity to both the Historians and the employees.

Mr. Wunder suggested holding a meeting with the Historians as they feel that they have been shunned by not being notified or included in the amendment. Discussion held.

Attorney Lyons stated that the Historians are a volunteer group who give their time to the Township; however, the employee-employer relationship, with the Curator and Assistant Curator, must rest with the Township Committee. It should not be with the volunteers, for the volunteer's protection. Attorney Lyons noted that public employees have many rights. To put a volunteer board in a supervisory capacity it will place all of the Township's managerial obligations onto volunteer members. Attorney Lyons stated that it is not fair to expect the volunteers to know all that the Township Committee does with the way in which to treat an employee, as well as, the Township's policies.

Mr. Barberio stated that he requested the Historian Ordinance because he had a meeting and wanted to read it. He reviewed the Ordinance and pointed out Chapter 83 Section 5. Mr. Barberio said that he knows that a volunteer cannot direct an employee so he spoke with the Township Attorney. Mr. Barberio stated that committees are advisory. They can provide advice to the Township Committee for consideration but they cannot direct an employee. Mr. Barberio said that once he read the “Powers” under Chapter 83 Section 5, he informed Attorney Lyons that he would not recommend for any Committee to direct an employee. Mr. Barberio stated that he feels that the Township Committee should take action to remove the portion of the ordinance under “Powers” that references “collaboration”.

*Motion by Mr. McKee, seconded by Mr. Laul and carried by favorable roll call vote, the Township*

Committee approved Ordinance No. 2020-10, on first reading, as entitled below. AYES: Laul, McKee, Schmidt NAYS: Koehler, Wunder

### **Introduction**

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2020-10  
AN ORDINANCE AMENDING CHAPTER 40 TO THE CODE OF THE TOWNSHIP OF  
LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
SPECIFICALLY ENTITLED "HISTORIAN COMMITTEE

### **Public Hearing to be Held on September 16, 2020**

### **RESOLUTIONS**

#### **Resolution No. 59-2020 - Urging the Re-Opening of Voorhees State Park**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 59-2020 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 59-2020  
RESOLUTION URGING THE RE-OPENING OF VOORHEES STATE PARK

WHEREAS, Voorhees State Park is more than 1,400 acres of woods with trails for passive recreation as well as ballfields for active recreation and was closed to the public for the indefinite future on August 10, 2020; and

WHEREAS, Voorhees State Park is operated by the New Jersey Division of Parks and Forestry and the reason given for closure is to reassign staff to other State Parks with higher usage; and

WHEREAS, the closure of Voorhees State Park will have the unintended consequence of increased crowding at other State, County and Local Parks, which runs opposite to the recommendations of the State Health Department for combating the COVID-19 pandemic; and

WHEREAS, the closure of Voorhees State Park will have the additional unintended consequence of reducing the sports activities of Voorhees High School, which has used the Voorhees State Park fields to reduce crowding at its own facilities; and

WHEREAS, the Governor of New Jersey has lifted the Stay at Home Order for residents but continues to order severe limits on recreational opportunities outside of State Parks, including closure of gyms and limits on restaurants; and

WHEREAS, outdoor passive recreation such as hiking in the woods is the safest activity during the pandemic and is crucial for the physical and emotional well being of residents; and

WHEREAS, Voorhees State Park has operated with a small staff and the passive recreation areas require miniscule resources to allow residents to safely hike.

NOW THEREFORE BE IT RESOLVED that the Committee of the Township of Lebanon urges Governor Murphy to direct the New Jersey Division of Parks and Forestry to manage its resources to prioritize the re-opening of Voorhees State Park as soon as possible; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor Philip Murphy, Sen Doherty, Assemblymen Peterson and DiMiao, Freeholders of the County of Hunterdon, North Hunterdon Voorhees School District Superintendent Bender, Kerry Kirk Pflugh, Director Office of Local Government Assistance and the NJ Department of Environmental Protection.

**Resolution No. 60-2020 – Redemption of Tax Sale Certificate**

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 60-2020 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 60-2020

REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201801 on September 21<sup>st</sup> 2018 to Christiana T C/F CE1 Firstrust and,

WHEREAS the amount of \$18,416.87 has been collected from Barbara Irvin, homeowner for Block 29 Lot 13, 35 Bunnvale Road, Califon, for the redemption of Tax Sale Certificate #201801,

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 \$18,416.87 to Christiana T C/F CE1 Firstrust for the redemption amount and an additional check for \$18,000.00 for the premium monies collected at tax sale.

**OLD BUSINESS**

**Women's Legal Right to Vote**

Ms. Koehler stated that this week and into next, the nation will be celebrating a century of the Women's Legal Right to Vote. On August 18<sup>th</sup> it will be 100 years since Tennessee became the 36<sup>th</sup> State to ratify the 19<sup>th</sup> Amendment. With the ratification the 19<sup>th</sup> Amendment became law ensuring that the right to vote could not be denied based on gender.

Ms. Koehler stated that on August 26, 1920, Secretary of State Bainbridge Colby signed the Amendment into law from his home. Ms. Koehler stated that although the 19<sup>th</sup> Amendment was a triumph for white women, American women of other heritages were occasionally excluded due to discriminatory state voting rules and, at times, the denial of United States Citizenship. A half of a century later, on August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law removing the inequitable barriers that prevented many people of color from voting.

**ADMINISTRATOR UPDATE**

Mr. Barberio stated that he has been speaking with the Recreation Chair and Movie Night will be held in the Park, on August 28, 2020 at 8:00 p.m. Residents will be required to follow the Governor's Orders relative to COVID.

Mr. Barberio stated that he has opened an Amazon account. He said that only certain employees will be eligible to order on behalf of the Township.

Mr. Barberio said that he interviewed an IT Consultant. The quote came back quite high. The consultant agreed to provide service to the Township on an as needed basis. Mr. Barberio will obtain hourly fees for the next meeting.

Mr. Barberio said that he, the DPW Manager and the Clerk met with Groendyke Insurance to complete paperwork for the renewal process.

Mr. Barberio said that the Purchasing Manual is almost done. He had to make changes as there have been changes in the laws this year.

Mr. Barberio stated that he received an email from OEM Coordinator Joe Maurizio regarding the 2020-2021 Hunterdon County Multi-jurisdictional Hazard Mitigation Plan Update. Mr. Barberio spoke to Township Engineer and the Township has been a part of the Plan since 2016. The Engineer has recommended that we continue with our participation.

Mr. Barberio read from correspondence that he received from the County stating: Your municipality is invited and strongly encouraged to participate in the update of the 2016 Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan (HMP). Per federal regulation, all local governments must have a FEMA approved HMP in order to be eligible to apply for and receive federal mitigation grant funding for public and private mitigation projects, and further, these plans must be formally updated on a five-year cycle. The County has an HMP that is set to expire in August 2021. The County has been awarded a grant to update the plan as a full multi-jurisdictional HMP to include all municipalities. Please be aware that the State has indicated that it will no longer fund single jurisdiction plans or updates and is strongly encouraging all municipalities to become part of a countywide multi-jurisdictional plan.

Ms. Koehler asked if there are any updates in scheduling diversity trainings. Mr. Barberio said that he will speak with the insurance company to see if they offer the training online.

Attorney Lyons stated that in reviewing the agreement for the online payment service he discovered that the indemnification clause appears to be completely one sided. If they make an error the Township will be held responsible. Attorney Lyons will have a conversation with the vendor on such.

## **NEW BUSINESS**

### **Committee's Response to Request to Amend Resolution No. 18-2020**

Mayor Schmidt stated that on August 10<sup>th</sup> the Committee received a letter from the Anti-Racism Coalition of North Hunterdon. The letter was signed by approximately 45 individuals, many being Lebanon Township residents. Mayor Schmidt read the letter for the record. The Coalition is requesting that the Committee amend Resolution No. 18-2020, which was adopted at the 2020 Reorganization meeting, and provided recommended language.

Mayor Schmidt stated that the Committee has considered this subject in previous years. Events have made them review how the Committee would like Lebanon Township to be thought of. Mayor

Schmidt has distributed a letter to the Committee for consideration in a response to the Coalition's request. Mayor Schmidt read the letter for the record. Mayor Schmidt stated that there is no disagreement with the goal of anti-racism and the Committee does strive for better community. The Committee feels that the constructive approach is to emphasize respect for individual rights. It is best for the employees, volunteers and residents to know that it is the preferred and only direction people should take. Mayor Schmidt stated that the Committee feels that they have been proactive on this subject. The Committee feels that Resolution No. 18-2020 is most constructive as it stands. Mr. Wunder stated that he stands by the Resolution approved by the Committee in January. Mayor Schmidt stated that Lebanon Township is not silent. The Committee feels that they are ahead on the subject and have nothing to apologize for. The Committee shares the same goal, just different ways in which to get there. Mr. McKee stated that he likes the resolution the Committee approves each year and does not feel that anything needs to be added to it. He said that he agrees with respect and wanting a better place for everyone. Ms. Koehler said that she feels that the letter the Mayor drafted is very good. She noted that she would not mind possibly looking at the words of Resolution 18-2020 for next January. Ms. Koehler stated that it is good to look at it again to see if it can be improved. Mr. Laul stated that he understands the intent of the Coalition and he does not disagree with it. He feels that the resolution the Township has adopted is positive for the community. Mayor Schmidt stated that the Committee's position is not a rejection, it is dialogue.

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee endorsed sending the letter drafted by Mayor Schmidt to the Anti-Racism Coalition of North Hunterdon.*

### **Appointment of Special Law Enforcement Police Officer**

*Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Thomas Y. Hash as Class III Special Law Enforcement Officer. Officer Hash will be assigned at Voorhees High School.*

### **JCP&L- Tree Trimming**

Mayor Schmidt stated that he spoke with Mr. Stan Prater from JCP&L. Mr. Prater informed the Mayor that the damage which causes outages for days and days is related to trees. Each year JCP&L receives approval to increase the tree trimming program. Mr. Prater said that they need expressions of opinion from Towns as to whether they would like more aggressive vegetative management and for more trees to be taken down. Mr. Wunder highly agrees for more aggressive cutting. Subject will be on agenda for the next meeting.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the August 19, 2020 bill list in the amount of \$2,721,048.82*

## CORRESPONDENCE

- a. Recreation Event – Movie Night in the Park
- b. Tax Collector’s Report for the Month of July 2020
- c. Spotted Lantern Fly Inspections- NJDEP Press Release is on Township Website.
- d. Curator’s Report

## PUBLIC COMMENTS

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting 8:32 p.m.*

Ms. Laramie Silber provided recommendations to follow when ordinances are being considered by the Committee.

Ms. Sara Varga provided comments on the Committee’s response to the Coalition’s request.  
Mr. Victor Hoffman provided clarification on comments made during the meeting relative to the Historian’s Ordinance.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 8:40 p.m.*

## EXECUTIVE SESSION - Resolution No. 61 -2020

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Resolution No. 61-2020 and convened into executive session at 8:40 p.m. No action will be taken.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 61-2020  
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: **CWA Union 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; **Building Safety and Executive Session Minutes**

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: **Municipal Court Agreement and Professional Services 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: **Police Department Policy**. 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.;

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 public meeting reconvened at 10:12 p.m.



**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 10:13 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: October 7, 2020

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Mike Schmidt, Mayor