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 George W. Bush and the 12 Service Members who have lost their lives in Afghanistan since the last Committee meeting.

ROLL CALL

Present - Mike Schmidt Thomas McKee Brian Wunder

Marc Laul Beverly Koehler

Absent-

Also Present - Attorney Matt Lyons, CFO Greg DellaPia, Clerk Karen Sandorse and 3 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meetings of November 7, 2018

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 November 7, 2018.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session meeting of November 7, 2018.

PUBLIC COMMENTS - for agenda items only.

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.

LTCM 12/05/2018 Page **2** of **11**

Ms. Laurie Hoffman raised a question related to the Little Brook Lane Road Association Agreement.

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

PRESENTATION OF CREDENTIALS – James T. Kyle, PP/AICP

Mayor Schmidt noted that Planner Michael Bolan has decided to step away from his position with the Township. Planner Bolan has provided more than 30 years of service to the Township Committee, the Planning Board and the Board of Adjustment. Mayor Schmidt thanked Planner Bolan for all of the work that he has done for the Township and for his long tenure.

Planning Board Chair Gary MacQueen stated that Planner Bolan will surly be missed as he has been very valuable for the community. Mr. MacQueen introduced Planner Jim Kyle who has worked with the County and with Planner Bolan. He has done environmental mapping for the Township and assisted Planner Bolan with the Master Plan and COAH. Mr. MacQueen stated that Planner Kyle is very familiar with what is going on in the Township and that he will be appointed as Planner by the Planning Board and Board of Adjustment at their Re-organization meetings. Mr. MacQueen said that he hopes that the Committee will consider appointing him also.

James T. Kyle, PP/AICP said that he has worked for the Township for the past 18 years in some compacity and has been the Alternate Planner for the past 10 years. Planner Kyle informed the Committee that he and a partner have just started a new firm; Kyle McManus Associates. Planner Kyle has been in the Planning field for more than 20 years and provides services to many municipalities in the area. He has served as Special Master in many cases in the 13th Vicinage relative to Affordable Housing. Planner Kyle said that he feels that his experience with the Township and working with other municipalities in northern Hunterdon County is critical. He is also confident that his expertise with Affordable Housing will help to move the Township forward in becoming compliant with the Plan. Planner Kyle stated that he has worked with Judy Thornton of the Highlands Council and will reach out to see if there is any funding available for projects in the Township.

The Committee thanked Planner Kyle for attending the meeting.

APPOINTMENT/OATH OF OFFICE – Special Law Enforcement Officer – Class III

Appointment – Special Law Enforcement Officer – Class III

Chief Jack Gale presented Thomas A. Perna to the Township Committee for consideration as the Class III Police Officer position for Woodglen School. Chief Gale noted that Officer Perna retired from the Maplewood Police Department as a Lieutenant after 30 years of distinguished service. Mayor Schmidt stated that Officer Perna also received a Valor Award for Heroism and that the Committee is very pleased to have him in Lebanon Township.

LTCM 12/05/2018 Page **3** of **11**

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee appointed Thomas A. Perna to the Lebanon Township Police Department, as Special Law Enforcement Officer – Class III, term expiring June 30, 2019.

Oaths of Office

contract:);

Mayor Mike Schmidt administered the Oath of Office to Thomas A. Perna as Special Law Enforcement Officer – Class III; term expiring June 30, 2019.

EXECUTIVE SESSION – Public will be excluded from the meeting for approximately 15 - 20 minutes.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 78-2018 and convened in executive session at 7:17 p.m.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 78-2018 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

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)
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.);
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: 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.; Tax Assessor Interview
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.

Public Meeting reconvened at 7:30 p.m.

Resolution No. 79-2018 – Tax Exempt Fully Disabled Veteran

Mayor Schmidt, on behalf of the Township, thanked Ms. McCallum-Young for her service and for the sacrifices that she has made.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 79-2018 as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 79-2018

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 Lauren R McCallum-Young, owner of Block 18. Lot 40, 173 Mt Grove Road in the Township of Lebanon, is a totally and permanently

18, Lot 40, 173 Mt Grove Road in the Township of Lebanon, is a totally and permanently disabled veteran because of her 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 2018,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Lauren R McCallum-Young be reimbursed in the amount of \$340.70 for the Municipal portion of her tax bill prorated to November 2, 2018, the date of her deed, and,

BE IT FURTHERMORE RESOLVED, that the property be tax exempt from property tax as long as it is owned and occupied by Lauren R. McCallum-Young or her surviving spouse in accordance with the continuance of the right to exemption beginning in 2019.

Resolution No. 80-2018 - Redemption of Tax Sale Certificate - Wetherall

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2018 as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 80-2018 REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201802 on September 21st 2018 to Christiana T C/F CE1 Firstrust and,

WHEREAS the amount of \$11,147.31 has been collected from Wells Fargo Bank, for the owners of this property, Lewis and Kim Wetherall, known as Block 61.01 Lot 25.08, 146 Anthony Road, Lebanon Township for the redemption of Tax Sale Certificate #201802,

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 \$11,147.31 and,

BE IT FURTHER RESOLVED that an additional check in the amount of \$27,500.00 for the premium paid and that these checks be mailed to:

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

Resolution No. 81-2018 - Redemption of Tax Sale Certificate – Wilkes

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2018 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 81-2018
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201704 on October 13th 2017 to Christiana T C/F CE1 Firstrust and,

WHEREAS the amount of \$21,627.93 has been collected from Bessemer Trust, for the owner of this property, Christopher Weller Wilkes, known as Block 38 Lot 89, 412 Berry Drive, Lebanon Township for the redemption of Tax Sale Certificate #201704,

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 \$21,627.93 and,

BE IT FURTHER RESOLVED that an additional check in the amount of \$23,500.00 for the premium paid and that these checks be mailed to:

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

Resolution No. 82-2018 – Authorizing the Release of a Performance Bond – GenPsych

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 82-2018 as written below. AYES: McKee, Koehler, Laul, Schmidt ABSTAIN: Wunder

TOWNSHIP OF LEBANON HUNTERDON COUNTY, NEW JERSEY RESOLUTION NO. 82-2018 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND OF GENPSYCH LLC - BLOCK 43, LOT 1.01

WHEREAS, GenPsych LLC received preliminary and final site plan approval from the Township to construct certain improvements on property designated as Block 43, Lot 1.01 on the Township of Lebanon's Tax Maps; and

WHEREAS, GenPsych LLC has requested that the Township release the Performance Guarantee for these site improvements as they are no longer associated in any manner with the property; and

WHEREAS, by letter dated November 30, 2018 the Township's Engineer recommended release of the Performance Guarantee in the amount of \$10,784.72.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey hereby authorize a release of the Performance Bond for Block 43, Lot 1.01, in the amount of \$10,784.72 based upon the recommendations of the Township Engineer.

Resolution No. 83-2018 – Agreement with Little Brook Lane Property Association

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 83-2018 as written below.

RESOLUTION NO. 83-2018

OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON APPROVING SETTLEMENT AGREEMENT PROVIDING SERVICES TO LITTLE BROOK LANE PROPERTY OWNERS ASSOCIATION

WHEREAS, the Municipal Services Act, and its amendments found at NJSA 40:67-23.1 et seq. require the Township in certain instances to either reimburse specified community associations for the removal of snow or to provide such services; and

WHEREAS, Little Brook Lane Property Owners Association PO Box 567 Califon, NJ owns Winding Brook Lane and Pine Ridge Road; and

WHEREAS, pursuant to N.J.S.A. 40:67-23.1 <u>et seq</u>. an entity must meet the requirements of being a qualified private community as defined in the statute in order to seek reimbursement under the statute. Little Brook Lane Property Owners Association has met the requirement to qualify as a private road; and

WHEREAS, Little Brook Lane Association roads Winding Brook Lane and Pine Ridge Road were developed with a final top coat and then qualified for the payments and/or services described above; and

WHEREAS, such services are required to be provided where the roadways do meet standards for the provision of services pursuant to the Municipal Services Act despite not meeting standards for dedication of the road as a public roadway; and

WHEREAS, based on such rule of law and the current stage of development, as well as based on a review of the relative costs associated with the payments in lieu of the actual provision of services, the Township Committee has determined to reimburse a percentage of the Community Association's costs for the items provided for above to the extent otherwise required by N.J.S.A. 40:67-23.1 et seq. and within the limits set forth therein, subject to a review of the reasonableness of such expenses; and

WHEREAS, the Township Committee has further determined that beginning on November 1, 2019 it will begin to provide the services required under NJSA 40:67-23.3 of snow and ice; and

WHEREAS, as a condition of this commitment by the Township, the community association must continue to comply with the requirements otherwise set for such association by the aforementioned.

NOW, THEREFORE, the Township Committee of the Township of Lebanon does hereby resolve pursuant to the requirements of NJSA 40:67-23.1 et seq. as follows:

- 1. That for all times prior to November 1, 2018 the Township will elect to pay the sum of \$40,631.50 in lieu of providing the services required under NJSA 40:67-23.3 and shall reimburse Little Brook Lane Property Owners Association for expenses for removing snow and ice for the 2018-19 winters season as specifically set forth in the release attached hereto as Exhibit A.
- 2. For the time beginning November 1, 2019 the Township has determined to provide, either directly or indirectly, to Little Brook Lane Property Owners Association the services required by NJSA 40:67-23.3 in the same fashion as the municipality provides services on public roads and streets for removal of snow

and ice from the roads and streets, but not parking lot areas and driveways; pursuant to the applicable ordinances and rules of the Township.

OLD BUSINESS

Professional Standards for Administrative Inspections

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee adopted the Professional Standards for Administrative Inspections and authorized it's distribution to any and all Township employees and agents that conduct inspections in the Township. AYES: Wunder, Koehler, Laul, Schmidt NAYS: McKee

Monmouth Telecom Agreement

Monmouth Telecom has not signed the Agreement approved by the Township Committee on July 18, 2018. There is an item relating to Liquidated Damages that Monmouth has an issue with. Discussion will be brought into Executive Session with potential action to be taken when the Regular Meeting reconvenes.

NEW BUSINESS

DPW Employee Resignation – Jeffrey Fulloon

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of DPW employee Jeffrey Fulloon, effective November 26, 2018, with thanks for his service to the Community.

Mr. Wunder stated that the Hickory Run guiderail work is almost complete. Mayor Schmidt noted that a grant from the NJ DOT funded the project.

Schedule 2019 Reorganization Meeting

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2019 Reorganization Meeting to be held on January 2, 2019 at 6:00 p.m.

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 5, 2018 bill list in the amount of \$253,155.15 with the exclusion of the Gebhardt and Kiefer voucher, relating to the Pelio Acquisition, in the amount of \$1060.48.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of October 2018
- b. LTEOSC August 6, 2018 and October 1, 2018 Meeting Minutes

The LTEOS provided the Committee with a copy of a letter that will be sent to 30 property's surrounding Open Space land in the Township. The State conducted an inspection of the properties and found encroachments and activities that do not meet the requirements of Green Acres. The Township was asked to resolve the issues.

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 7:58 p.m.

Ms. Laurie Hoffman and Mr. Ron Milkowksi raised questions about the animal control invoice that was on the bill list. They were informed that the Committee will be looking into the matter.

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 at 8:04 p.m.

EXECUTIVE SESSION - Resolution No. 84-2018

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 84-2018 and convened in Executive Session at 8:06 p.m. Action may be taken.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 84-2018
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:
);
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)
X 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. Animal Control Officer – Telecom
Contract
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.);
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: 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.; Tax Assessor Interview –
Update on CWA Negotiations – Update on PBA Negotiations – Employee Resignation
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.

LTCM 12/05/2018 Page **11** of **11**

DPW Employee Resignation

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee revised the motion to accept the resignation of DPW Employee Jeffrey Fulloon effective November 20, 2018.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler seconded by Mr. Wunder, and carried by unanimous favorable roll call vote to adjourn the meeting at 9:47 p.m.

Respectfully submitted,	
Karen J. Sandorse, RMC/CMC Municipal Clerk	
Approved: December 19, 2018	Mike Schmidt, Mayor