

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
December 18, 2019**

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 Officer Joseph Seals from Jersey City.

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 and 7 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 16, 2019

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting minutes of October 16, 2019.

Minutes of the Regular and Executive Session Meetings of November 6, 2019

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session Meetings of November 6, 2019 as amended.

Minutes of the Special and Executive Meetings of November 7, 2019

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special and Executive Session Meetings of November 7, 2019.

Minutes of the Special and Executive Meetings of November 14, 2019

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Special and Special Executive Session Meetings of November 14, 2019.

Minutes of the Regular and Executive Session Meetings of December 4, 2019

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session Meetings of December 4, 2019.

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

ORDINANCES

Public Hearing – Ordinance 2019-09

Mr. Wunder asked what “Objects for Historic Preservation” relates to in the Ordinance. Mayor Schmidt stated that the language which allows for spending comes from State Statute and would be subject to Committee vote.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-09 was opened.

There were no comments from the public.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-09 was closed.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-09 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-09
AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE TOWNSHIP OF
LEBANON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, ENTITLED OPEN SPACE TRUST FUND

WHEREAS, the Township of Lebanon is desirous to update its Municipal Code pertaining to the Open Space Trust Fund to conform with the Open Space Referendum.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Open Space Trust Fund, is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

§ 67-1 Trust fund established.

A. There is hereby established a reserve in the General Capital Fund which shall be known and designated as the "Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Open Space Trust Fund may, as directed by the Mayor and Township Committee, be utilized for the following purposes, or any combination thereof:

- 1) Acquisition of lands for recreation and conservation purposes;
- 2) Acquisition of farmland for farmland preservation purposes;
- 3) Maintenance of lands acquired for recreation and conservation purposes;
- 4) Payment of debt service on indebtedness issued or incurred by the Township of Lebanon for any of the purposes set forth in Subsection A(1), (2) or (3) above, and A(5), (6) and (7) below;
- 5) *Development of lands acquired for recreation and conservation purposes;*
- 6) *Historic preservation of historic properties, structures facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation; or*
- 7) *Blue Acres projects.*

B. Acquisition shall include by gift, purchase, or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1, et seq., and shall include development easements, or other easements, vacant land, as well as land which has improvements upon it at the time of acquisition, where the principal purpose of the acquisition is for any or all of the purposes, or any combination of them, set forth above.

§ 67-2 Apportionment and allocation of fund.

The Mayor and Township Committee, annually, after the holding of one public hearing thereon, shall apportion and allocate the use of such tax receipts among the purposes set forth above.

§ 67-3 Funding.

The Open Space Trust Fund shall be funded through the dedication to the fund of an amount not to exceed \$0.04 per \$100 of assessed valuation of each annual tax levy. The fund shall also be permitted to accept donations and testamentary bequests. The accumulated receipts and deposits with the fund may be utilized for the purposes set forth herein. All monies set aside for open

space as of the effective date of this chapter shall be deposited in the fund.

§ 67-4 Sale of property.

- A. No property acquired with these funds shall be leased or sold, unless such action has been authorized by the Mayor and Township Committee in a manner as prescribed by law.
 - B. The Mayor and Township Committee, after at least one public hearing thereon, and upon a finding that the purposes of this chapter might otherwise be better served or that any land acquired by the Township pursuant to this chapter is required for another public use, may, by ordinance, convey, through sale, exchange, transfer or other disposition, title to, or a lesser interest in, that land, provided that the Township shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size quality and location to the land conveyed. Any money derived from the conveyance shall be deposited into the fund created hereunder.
 - C. Any conveyance made pursuant to this section shall be made in strict accordance with the Local Lands and Buildings Law (N.J.S.A. 40A:12-1, et seq.). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonable equivalent usefulness, size, quality and location to the land or improvements transferred from the trust.
- BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

Public Hearing – Ordinance 2019-10

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-10 was opened.

There were no comments from the public.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2019-10 was closed.

Motion by Mr. Wunder seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2019-10 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE FOR THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND MORE SPECIFICALLY CHAPTER 230 (HIGHLANDS), CHAPTER 330 (LAND SUBDIVISION) AND CHAPTER 400 (ZONING) TO UPDATE STORMWATER MANAGEMENT STANDARDS TO MEET HIGHLANDS PLAN CONFORMANCE.

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that:

SECTION 1. Section 230-3.2 entitled “Definitions” is hereby amended as follows:

1. The following definitions are added:

Carbonate Rock Area

An area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite, has been identified.

Maximum extent practicable

Designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

Mitigation

An action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

Non-Exempt Project

Any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

Prime Ground Water Recharge Area

Lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

Redevelopment

Land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Regional Master Plan

The Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

2. The following definitions are deleted in their entirety and replaced with the following:

Current Deficit Area

Any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the groundwater supply to sustain.

Disturbance

The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Highlands Open Waters

All springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

Major development

Any development that provides for ultimately disturbing one or more acres of land or a cumulative increase in impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation, or the redevelopment of previously developed sites.

SECTION 2. Section 330-49 entitled “Stormwater Management” is hereby amended as follows:

1. Section 330-49(C)(6) entitled “Erosion Control, groundwater recharge, and runoff quantity standards” is deleted in its entirety and replaced with the following:

(6) Erosion Control, Groundwater Recharge and Runoff Quantity Standards

(a) This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

[1] The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

[2] The minimum design and performance standards for groundwater recharge are as follows:

[a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 330-49 D., demonstrate compliance with either [i] or [ii] below. Additional standards set forth in subsections [iii] and [iv] may apply as required.

[i] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

[ii] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

[iii] Non-Exempt Projects located in a Current Deficit Area: Where the project is located in a Current Deficit Area as identified in Exhibit A, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in [v] below.

[iv] Non-Exempt Projects located in a Prime Ground Water Recharge Area: Where the project is located in a Prime Ground Water Recharge Area as identified in Exhibit B, the following standards shall apply:

- i. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.

- ii. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in [v] below.

[v] Enhanced Recharge Standards: Non-Exempt Projects that are subject to the enhanced recharge requirements by [iii] or [iv] above, shall apply the following standards, either:

- i. Recharge 125 percent of the percentage of the average annual pre-construction groundwater recharge volume for the site; or
- ii. In addition to complying with the infiltration requirements of Section 330-49(6)(a)[2], retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDV), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the infiltration requirement will not result in retention of the full SWQDV, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

[b] This groundwater recharge requirement does not apply to projects subject to below.

[c] The following types of stormwater shall not be recharged:

[1] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than 'reportable quantities' as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[2] Industrial stormwater exposed to "source material". "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[3] Carbonate Rock Areas, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (*Note: the mere presence of carbonate bedrock does not constitute a karst feature*).

[d] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

[e] Mitigation Required for Non-Exempt Projects: In lieu of on-site recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation, within the following areas, in order of priority:

- [1] the same development site where feasible;
- [2] the same HUC14 subwatershed, or
- [3] an interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.

If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in paragraph 8.

2. Section 330-49(C)(8) entitled “Mitigation required for non-exempt projects” is added as follows:

(8) Mitigation Required for Non-Exempt Projects: A waiver from strict compliance with the requirements of the Municipal Stormwater ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the municipal stormwater ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality’s Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project’s failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

SECTION 3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

RESOLUTIONS

Resolution No. 100-2019 – Accepting Police Chief Gale’s Resignation

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 100-2019 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION 100-2019

RESOLUTION ACCEPTING
RESIGNATION OF POLICE CHIEF, JACK GALE

WHEREAS, Police Chief, Jack Gale, has submitted his resignation in writing on December 18, 2019, a copy of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, the Township Committee of the Township of Lebanon and the Lebanon Township Police Department accept the resignation of Chief Gale with appreciation for his 25 years of service to the Township and wish him well.

Resolution No. 101-2019 – Appointing Police Chief Erik Rautenberg/Execute Contract

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 101-2019 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION 101-2019
RESOLUTION APPOINTING
CHIEF OF POLICE, ERIK K. RAUTENBERG

WHEREAS, the Township Committee of the Township of Lebanon and the Lebanon Township Police Department shall require the services of a Chief of Police, as defined in Ordinance §77-2; and

WHEREAS, pursuant to Ordinance §77-24, the Chief of Police Appointment Committee has reviewed Erik K. Rautenberg's application, qualifications, and all other relevant documentation, and has found them all to be acceptable; and

WHEREAS, the Township Committee has conducted interviews to fill the position of Chief of Police; and

WHEREAS, it has been determined based upon said interviews and the recommendation of the Chief of Police Appointment Committee that Erik K. Rautenberg is qualified for that position.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey, that effective December 31, 2019, at 5:01pm, Erik K. Rautenberg be promoted and appointed as Chief of Police of the Lebanon Township Police Department.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey, that the Mayor and Clerk are authorized to execute the services Memorandum of Agreement between the Township of Lebanon and Police Chief Erik K. Rautenberg, attached hereto.

Resolution No. 102-2019- Approving PBA Contract

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 102-2019 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 102-2019

RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING
AGREEMENT BETWEEN
THE TOWNSHIP OF LEBANON AND PBA LOCAL 386

WHEREAS the Township of Lebanon (the “Township”) and PBA Local 386, Lebanon Township Unit (the “Union”) have engaged in collective bargaining pursuant to N.J.S.A. 34:13A-1 et. seq.; and

WHEREAS, the Township and the Union have negotiated the terms of a Collective Bargaining Agreement; and

WHEREAS, the Township desires to enter into a Collective Bargaining Agreement with the Union for the years 2019–2021; and

WHEREAS, the Mayor and Committee have reviewed the Collective Bargaining Agreement and find that it is in the best interests of the Township to enter into the Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor be and is hereby authorized to execute on behalf of the Township the Collective Bargaining Agreement with PBA Local 386, Lebanon Township Unit.

Resolution No. 103-2019 – Approving DPW Manager Contract

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 103-2019 as written below.

Mr. Wunder provided his views on Resolution’s No. 103-2019 and 105-2019. Discussion was held.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 103-2019

RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFIED EMPLOYMENT
AGREEMENT BETWEEN THE TOWNSHIP OF LEBANON AND
WARREN GABRIEL, CERTIFIED PUBLIC WORKS MANAGER

WHEREAS the Township of Lebanon (the “Township”) and Warren Gabriel (Gabriel), Certified Public Works Manager have engaged in employment contract negotiations; and

WHEREAS, the Township and Gabriel have negotiated the terms of a contract, a copy of which is attached to this Resolution; and

WHEREAS, the Township desires to enter into a Modified Employment Agreement with Gabriel; and

WHEREAS, the Mayor and Committee have reviewed Employment Agreement and find that it is in the best interests of the Township to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor be and is hereby authorized to execute on behalf of the Township the Modified Employment Contract with Warren Gabriel, DPW Manager, that is attached hereto.

Resolution No. 104-2019 – Approving Municipal Clerk Contract

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 104-2019 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 104-2019
RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFIED EMPLOYMENT
AGREEMENT BETWEEN THE TOWNSHIP OF LEBANON AND
KAREN SANDORSE, TOWNSHIP CLERK

WHEREAS the Township of Lebanon (the “Township”) and Karen Sandorse (Sandorse), Township Clerk have engaged in employment contract negotiations; and

WHEREAS, the Township and Sandorse have negotiated the terms of a contract; and

WHEREAS, the Township desires to enter into a Modified Employment Agreement with Sandorse; and

WHEREAS, the Mayor and Committee have reviewed the Employment Agreement and find that it is in the best interests of the Township to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor be and is hereby authorized to execute on behalf of the Township the Modified Employment Contract with Karen Sandorse, Township Clerk.

Resolution No. 105-2019 - CWA tabled to Executive Session. No action is anticipated.

Resolution No. 106-2019 - Extending Interlocal Services Agreement for QPA

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 106-2019 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 106-2019
A RESOLUTION EXTENDING A SHARDED SERVICES AGREEMENT
WITH HOLLAND TOWNSHIP
FOR QUALIFIED PURCHASING AGENT SERVICES

WHEREAS, the New Jersey Uniform Shared Services and Consolidated Act (N.J.S.A. 40A:65-1, *et seq.*) authorizes shared services between municipalities; and

WHEREAS, Lebanon Township has a need for the services of a Qualified Purchasing Agent during the 2020 year; and

WHEREAS, on November 7, 2018, Lebanon Township entered into a Shared Services Agreement with Holland Township for the services of a Qualified Purchasing Agent in accordance with the terms and conditions contained in a Shared Services Agreement; and

WHEREAS, the Agreement established a fourteen-month term expiring on December 31, 2019 with the option to extend the Agreement for one additional term, of one year, ending on December 31, 2020; and

WHEREAS, Lebanon Township and Holland Township desire to extend the 2018-2019 Shared Services Agreement through the 2020 year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey that the Township of Lebanon hereby extends the Shared Services Agreement for the services of a Qualified Purchasing Agent as set forth in the 2018-2019 Shared Services Agreement through December 31, 2020.

Resolution No. 107-2019 - Transfers

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 107-2019 as attached.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 107-2019
SALARIES

Resolution No. 108-2019 – Return Overpayment of 2019 Taxes

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 108-2019 as attached

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 108-2019
RETURN OVERPAYMENT 2019 TAXES

WHEREAS there exists overpayments for 2019 taxes due to exempt status for the following Blocks and Lots and,

WHEREAS the Tax Collector wishes to clear these credits for 2019,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign refund checks for the following amounts and that these checks be mailed to:

- | | | |
|------------------------------------------------------------------------------------|---------------------|----------|
| • Hunterdon Co Edu Services Comm
37 Hoffman's Crossing Road
Califon NJ 07830 | 16/16 | 5,559.28 |
| • State of New Jersey DEP
501 East State Street
Trenton NJ 08636 | 16/67 & 16/67 Q0231 | 27.53 |
| • County of Hunterdon
PO Box 2900
Flemington NJ 08822 | 51/1 & 51/1X | 5,090.97 |

OLD BUSINESS

Mr. & Mrs. Harlin Parker – Request for Trailer Approval Extension

Mrs. Parker stated that the framing for the house is almost complete; however, with the bad weather, the roofers have not been able to work. No work has been done in more than 10 days. Mr. Parker said that there is more assembly required but they are moving along.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a ninety-day extension for the Parker's to live in a trailer on their property during the construction of their home.

January 2020 Meeting

Mayor Schmidt suggested that due to the Reorganization Meeting being held on January 7, 2020 it would make better sense to hold the second meeting in January on January 22, 2020, two weeks later. The Committee agreed with the Mayor's suggestion.

ADMINISTRATOR UPDATE

Mr. Barberio said that he will be meeting with the Risk Manager to discuss a Policies and Procedures Manual for the Township. He will then need to work with a labor attorney to finalize it. Mr. Barberio is hoping to have the Manual completed by January or February. Once the manual is finished trainings will be provided for all Township individuals; the Township Committee, employees, standing committees and volunteers.

Mr. Barberio informed the Committee that he attended the Historian's meeting. As Business Administrator he will be visiting all of the standing committee meetings and the members can address him with any concerns that they have.

Mr. Barberio stated that the Purchasing Manual will be done shortly and he will be forwarding on to the Township Attorney for review. Once approved, the Manuals will be provided to the Township Committee, standing committees and employees.

Mr. Barberio noted that the Boiler Plate, Request for Proposal packet, is almost complete. It will be going to the attorney for review also.

Mr. Barberio stated that he spoke with the DPW Manager and he has received two employment applications and he would like to move forward with interviews and the hiring process. The Committee decided that Mr. Gabriel can conduct interviews and provide Mr. Barberio with his recommendations. Mr. Barberio will then bring to Township Committee at the next possible meeting.

NEW BUSINESS

Bunnvale Engineering SOW

The Township Engineer provided a Statement of Work (SOW) related to the drainage work that needs to be done at the Library. The SOW is required to receive reimbursement from the Highlands for a Stormwater Planning Grant Program. The proposed work consists of Wetlands identification work at a cost of \$4000.00, the Surveying of the Bunnvale Library Property at a cost of \$3500.00 and to develop the Stormwater Management Improvement and Future Parking Lot Expansion Plan at a cost of \$3500.00 for a total reimbursement of \$11,000.00 through the Highlands Grant. Mayor Schmidt noted that he was advised by Engineer Risse that the work should be completed by mid- summer 2020.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the Bunnvale Library SOW relating to the Highlands Stormwater Planning Grant Program as prepared by the Township Engineer.

Museum Electrical Work

Mayor Schmidt stated that since the addition at the Museum is completed there are ceiling lights and ceiling fans that are not being used which need to be removed and capped off. There will be track lighting purchased by the Township at a later date. Baseboard heaters will be removed and capped off and electrical receptacles will be installed.

Three proposals were received with the lowest being from Bill Hodge Electrical in the amount of \$4345.00. Funding for the work will come from Capital Improvement.

Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved the quote received from Bill Hodge Electrical Contractor Inc. at the cost of \$4345.00 for electrical work to be done at the Museum. AYES: Koehler, Laul, McKee Schmidt ABSTAIN: Wunder

Waste and Recycling Contract

Mr. Laul stated that it has been more than five years since recycling has been reviewed in the Township. Mr. Laul said that having the 30-yard dumpster the 3rd Saturday of each month does not work for a few reasons. If the dumpster becomes wet due to the weather it cannot be recycled and is taken to the dump. Mr. Laul stated that an 8-yard dumpster, with a lid, can be placed at the municipal office and picked up weekly. Mr. Laul also noted that people place bulk waste in the 30-yard dumpster and this may be avoided with the 8-yard.

Mr. Laul stated that the 8-yard garbage dumpster in the Park does not get used for half of the year. This dumpster is being used for bulk items also. Mr. Laul suggested that the municipal building dumpster be increased in size and to remove the dumpster from the park.

DPW Manager stated that his concern is that those using the Park will not bring their garbage to the Municipal Office and will instead leave it in the Park. He also noted that he is concerned that

residents will use the recycling dumpster at the Municipal Office for garbage if the other dumpster is full.

Mayor Schmidt said that it appears that the proposal will reduce costs for garbage and recycling and operationally it sounds like it may be a good alternative.

Mr. Laul stated that if it does not seem to work out, then a 4-yard dumpster can be placed in the Park for a few months out of the year.

Recycling Coordinator JoAnn Fascenelli attempted to receive quotes from four vendors; however, only two responded. Republic Services provided the lowest quote based on the proposal.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee awarded the contract to Republic Services for the placement of 2/8-yard dumpsters at the Municipal Office. One dumpster is for garbage and one for recycling and will be picked up on a weekly basis. There will no longer be a dumpster located in the Park. AYES: Koehler, Laul, McKee Schmidt ABSTAIN: Wunder

Police Chief Request to Purchase Duty Ammo/Qualification

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of Duty Ammo from Hackettstown Firearm Storage at \$1885.80.

Accepting Resignation of the Tax Collector

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted the Tax Collector's resignation with regrets.

Construction Department

Mr. Wunder asked for a way to have better communication with the Construction Department, possibly through the Township Administrator.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the December 18, 2019 bill list in the amount \$124,538.42.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of November
- b. Planning Board Clerk Memo – 2020 Terms

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 7:59 p.m.

Ms. Kathy Koch suggested that the Township provide the option to have tax payments withdrawn automatically from the Taxpayers bank accounts as a convenience to the residents. She had this option where she lived prior and found it to be convenient.

Ms. Koch complimented the Committee on hiring Professional Property Appraisers for the Township's revaluation. She said that they did an excellent job. They were very friendly and very professional. Mayor Schmidt stated that the Tax Assessor is to be commended on the process.

Ms. Jean Lang and Ms. Larami Silber stated that they did not have a good experience with Property Appraisers. The timing for the Revaluation deadline is not convenient and they are having difficulties making an appointment for the inspections among other items.

Ms. Lang stated that each new year the Committee adopts a resolution regarding 8 and 18% interest on property tax payments that are late. Ms. Lang feels that charging 18% is punitive and that the Committee should consider getting rid of the 18% and bringing it to a more reasonable percentage.

Ms. Lang stated that they will miss the Tax Collector as she was a great addition to the Township.

Motion by Mr. Wunder seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:22 p.m.

EXECUTIVE SESSION - Resolution No. -2019

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 109-2019 and convened in executive session at 8:22 p.m. It is anticipated that action will be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 109-2019**

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 Negotiations**

_____ 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.);

_____ 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: _____ Union Contract _____ 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.

Public Meeting reconvened at 9:00 p.m.

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee amended Resolution 101-2019 to change any reference of "Agreement" to "Contract" so it runs consistent with Resolutions 102-2019 and 103-2019. There will be no other changes to the Contract.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the publication of a Tax Collector employment ad on the New Jersey League of Municipalities Website for a part time position, or a shared service, with an expiration of January 22, 2020.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: January 22, 2019

Mike Schmidt, Mayor