

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

**Lebanon Township Committee  
August 21, 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 our Servicemen and Women.

**ROLL CALL**

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

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 20 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular and Executive Session Meetings of August 7, 2019**

Tabled

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

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.*

Mr. Don Winkler questioned if a background check was performed on the new Administrator. Mayor Schmidt said that an official background check was completed by Tewksbury Township as part of the hiring process. Mr. Winkler asked how many individuals were interviewed for the position,

where the Administrator's office will be, what the cost is going to be for his office and who will track hours. Mr. Winkler asked if there will be a need for a secretary for the Administrator.

Mr. Adam Duckworth said that he is interested in making sure that the Administrator works 20 hours per week as he will request for him to do work on behalf of the Environmental Commission. Mr. Duckworth has confidence in the Committee, knowing that they will ensure that the Administrator does his job.

Ms. Kathryn Koch said that she feels that it is a wonderful idea in having an Administrator as it is needed. She does not feel that it is that expensive but it is necessary to be in compliance with the law, personnel issues and grant issues. Ms. Koch said that she spoke to individuals this week and they did not know what grants are so they do not know what the Administrator will do, but they are against it. Ms. Koch thanked the Committee for their efforts.

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

## **OLD BUSINESS**

### **Tewksbury Township Business Administrator's Appointment Resolution**

Mayor Schmidt stated that on Tuesday, August 13, 2019, Tewksbury Township appointed James R. Barberio as Township Administrator who Lebanon Township will share the service with. Mr. Barberio will be in attendance at the September 4, 2019 meeting where a more formal introduction can be had.

Ms. Koehler asked when the duties of the Administrator will be delineated between the Clerk and DPW Manager. Mayor Schmidt said that will take place once the Administrator is employed.

### **Appreciation Dinner T-shirts**

Ms. Koehler asked where the remaining t-shirts are from the Appreciation Dinner. Mr. Laul stated that he has them and will be returning them to the Municipal Office.

### **Policy on Statements Being Made at Public Meetings**

Mr. McKee stated that he has concerns with comments that were made by Committee members at the last meeting. Attorney Lyons provided his opinion on whether there can be a binding policy established limiting the Committee Member freedom of speech during a meeting. Discussion was held.

## **NEW BUSINESS**

### **Hunting Permits for Township Open Space**

Mayor Schmidt said that Lebanon Township currently does not have an ordinance permitting hunting

on the Township's 190 acres of Open Space. Though, for some time, there has been discussion on using the lands for recreational purposes. Mayor Schmidt stated that there is such an overpopulation of deer and hunting is one of the few ways to control them. The Environmental Commission has reviewed Tewksbury Township's recently adopted hunting ordinance and the County's policy on hunting on Open Space Land. Mayor Schmidt said that the Committee may want to consider establishing hunting in the Township also. The Ordinance would enable hunting and would set up the framework where permits would be issued. Then annually the Township Committee would review the successes and problems realized during the prior year. The future number of permits and the type of permits could then be determined. The ordinance should be broad with the hunting policy being revised each year by resolution.

Mr. Laul noted that the size of the property would determine the type of hunting that may be done on that property based on safety clearances to nearby homes. The number of permits to be issued will need to be considered also.

Mr. Adam Duckworth, LTEOSC Chair, Mr. Michael Chen, LTEOSC Member and Mr. Nick Zemplachenko of the NJ Water Supply Authority were present to provide additional information on hunting on Open Space.

Mr. Duckworth said that the Township has an obligation through its partnership with NJWSA to offer passive recreation on the Open Space Land. In establishing an ordinance, it will encourage residents to use the preserved land and will reach a group of people that the Township does not accommodate today. The ordinance will give preference to the residents and employees who enjoy hunting.

Discussion was held on the number of permits to be allotted based on the size of the property and the types of hunting permits that can be issued.

Mr. Zemplachenko said that the Committee needs to consider the size of property, the deer density, and how to handle hunter recruitments.

Mr. Mike Chen said that the ordinance would require insurance from the hunters. Insurance can be obtained through personal insurance or the township can have them pay into a joint insurance plan.

Discussion was also had on the requirement of hunting from an elevated platform as well as the need for blaze orange makers or a cap on the hunters.

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Lyons to draft an ordinance modeled after the Tewksbury Township ordinance, adding that all hunting is to be done from an elevated stand, all hunters are to follow State regulations for wearing blaze orange markings and that a release is to be received from each hunter to obtain a NJ State Fish and Wildlife Harvest Report in order to track the harvest and the effectiveness of the program.*

An annual discussion is to be held on the requirement of taking two antlerless deer before taking one antlered deer. This will be decided through a resolution.

## **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 August 21, 2019 bill list in the amount of 2, 716,016.62.*

## **CORRESPONDENCE**

- a. Meals on Wheels in Hunterdon, Inc. Request for Support

*Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a donation of \$750 to the Meals on Wheels.*

- b. Cycle Craft- Bike Ride Event
- c. LTEOSC June 3, 2019 and July 1, 2019 Meeting Agendas and Minutes
- d. Tax Collector's Report for the month of July 2019
- e. Curator's Report August 21, 2019

## **PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 6:50 p.m.*

There were no comments from the public

*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 at 6:50 p.m.*

## **EXECUTIVE SESSION - Resolution No. 77 -2019**

*Motion by Mr. Laul seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 77-2019 and convened in executive session at 7:51 p.m. It is not anticipated that action will be taken.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 77-2019**

### **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: \_\_\_\_\_);

\_\_\_\_\_ 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: **Cannabis Laws**

\_\_\_\_\_ 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: **Museum Employees, DPW Manager, Municipal Clerk**

**X** Union Contract **CWA** - 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 Clerk left the meeting at 9:09.

Public Meeting reconvened at 10:11 p.m.

#### **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by M seconded by M and carried by unanimous favorable roll call vote to adjourn the meeting at 10:12 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: September 4, 2019

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Mike Schmidt, Mayor