

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
September 2, 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 the Law Enforcement Officers who have been killed or injured in the last few weeks and for Service Members who have been killed in training accidents, most specifically, Staff Sgt. Vincent P. Marketta of Brick NJ, and for all First Responders and Health Care Workers.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio, OEM Coordinator Joe Maurizio Police Chief Erik Rautenberg and Clerk Karen Sandorse (via telecom)

Mayor Schmidt stated that there are new reports that the Hunterdon County Health Department has been hacked which has created a potential scam. Scam calls are being received stating that the call is from the HCHD and that the individual is being contacted for COVID tracing. The caller then asks for information. Mayor Schmidt stated that he has not been able to receive confirmation or guidance from the County but felt that it was important to notify all of the potential scam.

PRESENTATION OF MINUTES

Minutes of the Executive Session Meeting of August 5, 2020 - Tabled

Minutes of the Regular and Executive Meetings of August 19, 2020 - Tabled

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.

There were no comments from the public.

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

ORDINANCES

Ordinance No. 2020-06 – Adding Chapter 196 – Disorderly Conduct

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-06 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. 2020-06 was closed.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2020-06 as written below.

COUNTY OF HUNTERDON
ORDINANCE NO. 2020-06
AN ORDINANCE ADDING CHAPTER 196 TO THE CODE OF THE TOWNSHIP OF
LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
SPECIFICALLY ENTITLED “DISORDERLY CONDUCT”

BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 196, entitled “Disorderly Conduct” shall be added as follows:

Chapter 196, Section 1, entitled “Disorderly Conduct,” shall be added to read in full as follows:

Disorderly Conduct.

It shall be unlawful for any person or persons to behave in a disorderly manner by fighting, urinating/defecating in public, threatening to cause bodily harm or property damage to another or acting in a threatening manner causing others fear of bodily harm or property damage. In addition, no person or persons shall purposefully engage in threatening or abusive language or gestures intentionally directed towards another person with the intent of encouraging or instigating future physical conflict. Person or Persons shall also not possess nor be under the influence of any non-prescribed medications or drugs.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Ordinance No. 2020-07- Amending Chapter 1, Article II

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-07 was opened.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-07 was closed.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2020-07 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2020-07
AN ORDINANCE AMENDING CHAPTER 1, ARTICLE II,
OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update its Municipal Code pertaining to Chapter 1, General Provisions, Article II, General Penalty.

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 Article II, General Penalty, is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

§1-6 . Minimum penalty.

The Township Committee may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount ~~not exceeding \$100~~ *not less than \$200 nor exceeding \$1,000 for a first offense. The minimum penalty for a second violation of the same ordinance within five years of the first offense shall be \$300 and the maximum shall be \$2,000. The minimum penalty for a third violation within five years of the first offense shall be \$500 and the maximum shall be \$3,000.*

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

Ordinance No. 2020-08 – Revising Chapter 205, Article II; and Chapter 400-54(D) – Fees

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-08 was opened.

There were no comments from the public.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-08 was closed.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2020-08 as written below.

TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 ORDINANCE NO. 2020-08
 AN ORDINANCE REVISING CHAPTER 205, ARTICLE II; AND CHAPTER 400-54(D)
 OF THE TOWNSHIP OF LEBANON,
 COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update and revise its Municipal Code pertaining to Chapter 205, Fees, Article II, 4 - Fee Schedule; and Chapter 400 Zoning, Article VII, 54(D) - Administration and Enforcement – Application Fees

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 Chapter 205, Fees, Article II, Fee Schedule, and Chapter 400 Zoning, Article VII, 54(D) - Administration and Enforcement – Application Fees are hereby revised and supplemented as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

§ 205-4. Actual cost of duplication.
 A request for records ~~in a medium not routinely used by~~ from the Township of Lebanon ~~may be charged~~ shall incur a charge equal to the actual cost of duplication ~~where~~ by the Township. ~~can demonstrate that its actual costs exceed the statutory rates for copying printed material.~~ Said costs shall be set forth by a schedule prepared by the Municipal Clerk and approved by the Township Committee and updated as needed to reflect current costs.

§ 205-6. Schedule of Fees.

~~Marriage licenses~~

Marriage License: first certified copy	\$4
Marriage License: additional certified copy	\$2

Vital Records

Marriage License	\$28
<i>Birth, Death, Marriage, Civil Union</i>	
<i>Or Domestic Partnership, first copy</i>	\$10
<i>Birth, Death, Marriage, Civil Union</i>	
<i>Or Domestic Partnership, addition copies</i>	\$5

Memorial Park Rental Fees

<i>Large Pavilion – Scott Brunnell Pavilion</i>	
<i>Large events (500 guests)</i>	\$500
<i>100-499 guests, Weddings/Corporate gatherings</i>	\$300
<i>Under 100 guests</i>	\$100
<i>Small Pavilion</i>	\$50
<i>General Field Usage</i>	\$35 per day, per session

Dogs (Ch. 125, Art. I)

Dog License for altered dog	\$11	\$12
Dog license for unaltered dog	\$14	\$15
Dog license, late registration	\$5 per month	
	after February 1	\$25 after February 1 st
<i>Dog license replacement tag</i>		\$4

Road Opening permit (Ch. 325, Art. II)

\$50 minimum	<i>\$75 plus additional 15% cash bond based on estimated cost of work</i>
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Alcoholic beverages, annual license fees (Ch. 120)

Plenary retail consumption license	\$2,500
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2007	\$2,250	
2008	\$2,500	
Plenary retail distribution		\$2,500
2007	\$2,250	
2008	\$2,500	
List of taxpayers on diskette on USB	\$10	Cost of medium
Cost of Committee tape audio	\$2	\$20
Certificate of continued occupancy (CCO)Ch. 161)	\$30	\$80
Floodplain certification (Ch. 220, Art. II)	\$5	
Review map and write letter		\$150
Visit Property, review map and write letter		\$300
§ 400-54(D). Application Fees.		
(i) Under 200 square feet:	\$25 (this includes fences)	
(j) 200 to 1,000 square feet:	\$50	
(k) Additions and accessory buildings under 2000 square feet:	\$100	
(l) Projects over 2000 square feet:	\$200	

BE IT FURTHER ORDAINED that these revisions shall be effective upon the date of adoption.

Ordinance No. 2020-09 – Repealing Existing and Adopting New Chapter 77- “Police Department”

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2020-09 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. 2020-09 was closed.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2020-09 as written below.

TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 ORDINANCE NO. 2020-09

AN ORDINANCE REPEALING EXISTING CHAPTER 77 ENTITLED “POLICE DEPARTMENT,” OF MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
 AND ADOPTING NEW CHAPTER 77 ENTITLED “POLICE DEPARTMENT”

WHEREAS, there has been previously adopted Chapter 77 of the Township of Lebanon Municipal Code; and

WHEREAS, it is necessary and appropriate to update the entirety of Chapter 77 of the township of Lebanon municipal code entitled “Police Department.”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that Chapter 77 of the Municipal Code of the Township of Lebanon, is hereby repealed; and

BE IT FURTHER ORDAINED that the new Chapter 77 entitled “Police Department” comprised of the contents of the newly revised “Lebanon Township Police Department – Rules and Regulations,” attached hereto as “Exhibit A” and made a part hereof, shall be adopted as the governing articles of the Lebanon Township Police Department; and

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

RESOLUTIONS

Resolution 62-2020 - Entering into an Agreement with CWA Local 1040

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 62-2020 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 62-2020
ENTERING INTO AN AGREEMENT WITH
CWA LOCAL 1040

WHEREAS, the CWA Local 1040 had a Collective Bargaining Agreement in place which expired on December 31, 2014; and

WHEREAS, the Township Committee and the CWA have engaged in collective negotiations for a successor agreement; and

WHEREAS, the mutually agreed upon terms and conditions have been incorporated into a final contract document.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lebanon do hereby ratify the Collective Bargaining Agreement between the Township and the CWA in accordance with the attached Agreement.

BE IT FURTHER RESOLVED that the Township Committee is hereby authorized to execute the finalized Collective Bargaining Agreement between the Township of Lebanon and the CWA Local 1040.

Resolution 63-2020 – Appointment of Deputy Emergency Management Coordinator

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 63-2020 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 63-2020
APPOINTMENT – DEPUTY EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Township of Lebanon is currently in need of a Deputy Emergency Management Coordinator; and

WHEREAS, Carsten Janes is qualified for this position.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon to appoint Carsten Janes to the position of Deputy Emergency Management Coordinator from September 2, 2020 through December 31, 2021.

OLD BUSINESS

Ms. Koehler stated that Movie Night is scheduled for this Friday evening at 8:00 p.m.

Mr. Wunder asked about the status of the Municipal Office door replacement. Mayor Schmidt stated that the doors are due to be delivered on September 9, 2020.

Mr. Wunder asked Mr. Laul for information on the sign company he referred to that travels by truck with examples of sign options. Mr. Laul will email the information to Mr. Wunder.

Mr. Wunder stated that he spoke with the DPW Manager and they will be able to take down the trees in the front.

NEW BUSINESS

Election Ballot Box Request

Mr. Laul stated that he was contacted by the County Clerk last week. She is requesting to place a ballot box in the Township as our Community exceeds 5000 residents. There will need to be camera surveillance on the box. The Committee's consensus is to place the box in front of the Municipal Office next to the Tax Box. The DPW Manager will install the concrete pad.

Mr. Wunder suggested moving the camera in the meeting room to face the entry door and the public.

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the acceptance of the Election Ballot Box which will be located at the Municipal Office next to the Tax Box.

Police Chief Request to Purchase a 2020 Interceptor Utility Vehicle

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase a 2020 Interceptor Utility Vehicle, under State Contract, at \$45,508.00, through Winner Ford.

Mayor Schmidt stated that a question has been raised regarding the Township's ordinance in relation to election signs. Mayor Schmidt stated that due to COVID and the mail in voting, he would like for Attorney Lyons to provide his legal opinion on the subject.

Attorney Lyons stated that pursuant to the Township's Administrative Code it allows for a 4-week timeline, prior to the election, for election signs to be placed. However, with unique times due to the mail in election, balloting essentially begins on October 5th. Attorney Lyons strongly advised the Committee to use October 5, 2020 as the day to count back from for the 4-week timeline as there could be problems that arise.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee is interpreting Section § 400-13D(1) of the Township Code, as the election will commence on October 5th with the beginning of mail in ballots and therefore temporary political signs pursuant to this section are permitted effective immediately.

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 September 2, 2020 bill lists in the amount of \$98,683.05.

CORRESPONDENCE

- a. Curator's Report
- b. North Hunterdon Food Pantry
- c. Animal Control Officer Report
- d. David Overaker – Historian Ordinance

PUBLIC COMMENTS

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:38.

Ms. Laramie Silber asked the Committee if they have considered using a teleconferencing system as it is sometimes difficult to hear who is speaking on the call.

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 7:40 p.m.

EXECUTIVE SESSION - Resolution No. 64-2020

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved Resolution No. 64-2020 and convened into executive session at 7:41 p.m. Action will not be taken.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 64-2020

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 (**August 5, 2020 Executive Session Minutes**);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

_____ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (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: **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.

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 8:13 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 16, 2020

Mike Schmidt, Mayor