

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
July 6, 2022**

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 First Responders, Servicemen and Women and the people of the Ukraine.

ROLL CALL

Present - Mike Schmidt Thomas McKee Marc Laul
 Beverly Koehler Guy Wilson

Absent-

Also Present - Attorney Matt Lyons and Deputy Clerk Kimberly Jacobus and 19 members of the public.

PRESENTATION OF MINUTES

7:01

**Minutes of the Special and Special Executive Session Meetings of June 15, 2022
Minutes of the Regular and Executive Session Meetings of June 15, 2022**

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Special and Executive Session Meetings and the Regular and Executive Session Meetings of June 15, 2022.

PUBLIC COMMENTS – for agenda items only.

7:02

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

Several members from the audience had comments regarding the Noise Ordinance.

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

ORDINANCE - Ordinance No. 2022-08 – 7:12
Authorizing the Regulation of Noise in the Township of Lebanon

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2022-08
AUTHORIZING THE REGULATION OF NOISE
IN THE TOWNSHIP OF LEBANON**

Introduction – Tabled

Mayor Schmidt stated that the State already regulates noise and there are State Statutes that describe the amount of noise people can make. The issue is, over the years, residents have asked about enforcement of the noise statute that the State does have. In order for the County to enforce noise, the Township has to take the State Statute into the Township's local ordinance. The first discussion is whether the Township should take the technical step of taking the State Statute, where there has been no adjustment made to it, and incorporate it into the Township's local ordinance so that when someone calls and wants enforcement of a noise issue, the county can enforce it. This is a technical consideration so that the county can enforce the statute.

Mr. Bob Vaccarella from the Hunterdon County Board of Health was present. He stated that the County has 3 certified noise inspectors on staff and the equipment to do enforcement. The Committee discussed having the County inspectors come and do a workshop for the Committee. Discussion was held.

RESOLUTIONS 7:35

Resolution No. 74-2022 - Renewing a Plenary Retail Consumption License-Ono Rosa Rest.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 74-2022 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 74-2022
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES**

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

WHEREAS, the license is currently in an inactive status effective 11/17/2021.

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 listed Licenses be granted a renewal for the 2022-2023 year:

1019-33-002-005 ONOROSA INC. 282 Route 513

**Resolution No. 75-2022-DOT Grant Application-
MA-2023-Mt. Lebanon Rd and Turkey Top Rd -00631**

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor and Clerk to sign grant agreement on behalf of Lebanon Township. (As written below).

**Township of Lebanon
Resolution No. 75-2022**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the **MA-2023-Mt. Lebanon Road and Turkey Top Road-00631** project.

NOW, THEREFORE, BE IT RESOLVED that Committee of Lebanon Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2023-Mt. Lebanon Road and Turkey Top Road-00631** to the New Jersey Department of Transportation on behalf of Lebanon Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lebanon Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

UNFINISHED BUSINESS

7:37

Police Office Manager Position

The former Police Office Manager retired June 30, 2022 leaving a vacancy. The Committee discussed posting the position of Police Office Manager. The position will be posted in various areas and the website for 10 days ending July 20, 2022.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved posting for the position of Police Office Manager as per the CWA Contract.

ADMINISTRATOR'S REPORT

7:40

Ms. Brown reported on the status of the 3 Federal Grants that the Township has applied for. They were all on the project recommendation for funding lists.

There was a harassment and discrimination training for employees and volunteers, it went very well. Certificates will be emailed out shortly.

The Museum will be hosting Feathered Friend event July 16.

On July 2, Ms. Brown was a judge for the Museum's apple pie contest. Ms. Brown also met with the Curator and Mr. Wilson, for what is to be a monthly meeting to stay in contact and addressing some of the needs of the Museum and will be bringing some of the issues to the Committee in the near future for input and recommendations on how to address.

Ms. Brown also had the opportunity to meet with the library staff, she thanked the staff for providing her with background information and insight into the library's operation. They had the opportunity to discuss some of the library's needs, and Ms. Brown is hopeful that the Committee will be able to obtain funding to start to address some of the needs in the near future.

Tax Assessor will be on vacation but available by phone. She will be in the office all day August 1. Discussion was held regarding the issuance of receipts for farm forms.

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote the Township Committee approved issuing time-stamped receipts for Farm Forms.

Personnel Policy - Proposed edits should be done soon to be reviewed by Attorney Lyons. It will then be distributed to the Committee and Department Heads for input and recommendations before a final draft is presented to the Committee for approval.

NEW BUSINESS

7:56

Authorization to Seek Black Top Bids

Mayor Schmidt stated that the QPA prepared a notice for Road Materials for bidders. The Township has the ability to buy blacktop from the County Co-Op but the DPW manager informed the Committee that if he has a plant nearer to us outside the Co-Op where he can get fresher material, hotter and better pricing, the Township has to go through the bidding process. The bid would be run through public advertising.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved to solicit bids for Road Materials and for the Clerk to advertise.

Fire Department's Request to Purchase 3 Zoll AED's

Mr. McKee stated that this a capital request that was approved at budget time.

Motion by, Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Lebanon Township Fire Department's purchase of 3 Zoll AED's from Team Life at the cost of \$5,816.99.

Historians request for Trust Fund Purchases

7:59

Mr. Wilson stated that the Historians had requested 3 purchases from the Trust Fund.

The Historians will be having Story Time on July 24, August 14 and September 2.

Motion by Mr. Laul seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the 3 purchase requests from the Historian Trust account as follows: \$200 for refreshments for Story Time, up to \$150 for sandwiches and paper goods from Shop Rite for the yearly picnic and \$70 for the county printing of the walking tour maps.

Board of Health Member

8:01

Motion by Mr. Wilson seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Patricia Pane to the Lebanon Township Board of Health for a 3-year term.

PRESENTATION OF VOUCHERS

8:05

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

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the July 6, 2022 bill list in the amount of \$219,115.82.

CORRESPONDENCE

8:08

National Multiple Sclerosis Society – Bike MS: Country Challenge

Mayor Schmidt stated that there will be a bicycling event coming through the Township September 17, 2022

PUBLIC COMMENTS

8:10

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.

Several members of the audience made comments regarding the proposed noise ordinance.

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

EXECUTIVE SESSION

8:19

Action is not anticipated.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 76-2022 and convened in executive session at 8:19 pm.

Resolution No. 76-2022 - PBA Contract Negotiations

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 76-2022
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 ;

_____ 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: **PBA Contract Negotiations** And whereas the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Public meeting reconvened at 8:59 pm.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: August 17, 2022

Mike Schmidt, Mayor