

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

**Lebanon Township Committee  
December 7, 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, people of the Ukraine pearl harbor day

**ROLL CALL**

Present - Mike Schmidt Thomas McKee Beverly Koehler

Guy R. Wilson

Absent- Abe Abuchowski

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse, and 56 members of the public.

**EXECUTIVE SESSION**

*Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 98A-2022 and convened in executive session at 7:01 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 98A-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 (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): **Litigation - NAR Group**

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 \_\_\_\_\_ 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.

Meeting reconvened 7:57 p.m.

**IN MEMORY OF CHARLIE FORTENBACKER** **:30**

Mayor Schmidt read Mr. Fortenbacker's obituary into the record. Mayor Schmidt stated that Mr. Fortenbacker will be very much missed and sent condolences to family and friends.

**PRESENTATION OF MINUTES** **2:20**

**Minutes of the Regular Meeting of October 5, 2022**

Mayor Schmidt sent to the Clerk suggested amendments to be considered for the October 5, 2022 minutes.

*Mr. Wilson moved, Mayor Schmidt seconded motion to approve the October 5, 2022 minutes with the Mayor's amendments. AYES: Wilson, Schmidt NAYS: McKee, Koehler Motion failed.*

Minutes tabled to be reconsidered at a future meeting.

**Minutes of the Regular and Executive Session Meeting of October 19, 2022**

*Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Regular and Executive Session Meetings of October 19, 2022.*

**PUBLIC COMMENT – Agenda Items Only** **4:19**

*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 8:02 p.m.*

There were no comments from the public.

*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 at 8:02 p.m.*

**RESOLUTIONS**

4:58

**Resolution No. 99-2022 - Chapter 159**

Mr. Wilson stated concerns with the rules being followed with regard to recycling.

*Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 99-2022 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 99-2022  
CHAPTER 159

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

SECTION 1,

NOW, THEREFORE BE IT RESOLVED that the Township of Lebanon, Hunterdon County, hereby requests the Director of the Division of Local Government Services to approve the increase of \$ 3,972.03 for an item of revenue in the budget of the year 2022 as follows:

Miscellaneous Revenues –

Revenue Offset with Appropriations – Recycling Tonnage Grant

Total with increase to be \$ 3,972.03

SECTION 2,

BE IT FURTHER RESOLVED that a like sum of \$ 3,972.03 be and the same is hereby appropriated under the caption of:

General Appropriations -

Public & Private Programs Offset by Revenues – Recycling Tonnage Grant

State/Federal Share      \$ 3,972.03

Non State Share            \$

Total with increase to be \$ 3,972.03

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

**UNFINISHED BUSINESS**

6:54

**Proposals for Appraisal Services – Blk 49 Lot 72 and Blk 49 Lot 89**

Three proposals were received for the appraisals.

*Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Norman Goldberg proposal for two appraisals for Block 49 Lot 72 and Lot 89, at a total fee of \$3,700. which is the lowest combination quote received.*

*Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Dan Webb proposal for an appraisal of the "Adickes" property, Block 49 Lot 72, for \$1,900, which was the lowest proposal received.*

## **NEW BUSINESS**

**12:05**

### **Lisko Environmental Proposal for Biennial Certification for Deed Notice – Fire Station No. 1- 143 Anthony Road**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Lisko Environmental Proposal for Biennial Certification for Deed Notice – Fire Station No. 1- 143 Anthony Road in the amount of \$1900.*

### **Police Chief Request to Purchase a Dell Laptop**

*Motion by Mr. Wilson, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase a Dell Laptop in the amount of \$1034.27.*

### **Request for Red and or Siren Permit – Deputy Chief Kyle Pirozzoli**

*Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Red and/or Siren Permit for Deputy Chief Kyle Pirozzoli.*

### **Canon Solutions – Municipal Office Copy Machine Lease Renewal**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Municipal Office Copy Machine Lease Renewal with Canon Solutions for a 60-month lease term, at \$207 per month, under State Contract Vendor v00002538.*

## **PRESENTATION OF VOUCHERS -**

**20:30**

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

*Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the December 7, 2022 bill list in the amount of \$1,216,417.34*

## **CORRESPONDENCE**

**23:51**

- a. Curator's Report
- b. DOT Grant Award – Mt Lebanon and Turkey Top Roads

**PUBLIC COMMENTS**

**26:30**

*Motion by Ms. Koehler, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:24 p.m.*

Mr. Bill Bohn asked if the public will have the opportunity to review and comment on the property appraisals services prior to being voted on. Mr. Bohn commented on the Red-Light Permit Application, provided comments on the Planning Board Attorney and the NAR litigation.

Ms. Sharon Janks asked why the vote was for removal of the Business Administrator and not a termination.

Ms. Laurie Hoffman asked if the Mayor's proposed changes to the minutes are releasable through OPRA.

Ms. Shannon Lang asked how the insurance fund works, if the Township is at risk with the claims we have and suggested a counter suit if a suit comes from the Business Administrator.

Mr. Keith Galloway stated his appreciation for the time and effort the Committee gives to the Township.

Mr. Darryl Schmidt said that public comment has changed as the Committee is now answering the public's questions. He commended the Mayor on the knowledgeable responses he provides to the public.

*Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at p.m. 48:38*

**EXECUTIVE SESSION 48:47**

No action to be taken.

*Motion by Mr. Wilson, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 100-2022 and convened in executive session at p.m.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 100-2022  
RESOLUTION AUTHORIZING EXECUTIVE SESSION

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\_\_\_\_\_ 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): **Tax**

**Litigation – Verizon**

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: **Zoning Officer – Head Library Clerk** 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;

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#### **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting 10:03 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: December 21, 2022

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Mike Schmidt, Mayor