

Meeting audio can be found at lebanontownship.net.
Timestamp in blue.

Lebanon Township Committee
October 19, 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 people of the Ukraine.

ROLL CALL

Present - Mike Schmidt Thomas McKee
 Beverly Koehler Guy Wilson

Absent-

Also Present - Attorney Matthew Lyons, Clerk Karen Sandorse, and approximately 65 members of the public.

ACCEPT RESIGNATIONS –

:52

Planning Board Chair and Board of Adjustment Member Gary MacQueen

Mayor Schmidt read a letter of resignation from Gary MacQueen from the Planning Board and Board of Adjustment.

Mayor Schmidt also read a letter from Planning Board Clerk, Gail Glashoff, acknowledging Mr. MacQueen’s many years of service to the Township. The Committee members provided comments of gratitude also.

Committeeman Marc Laul

Mayor Schmidt read a letter of resignation from Committeeman Marc Laul.

Mayor Schmidt provided comments on Mr. Laul's accomplishments and thanked him for his service.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Mr. Gary MacQueen and Committeeman Marc Laul with regret and wish them well.

Mayor Schmidt informed those present of the process that will be followed in filling the vacant Committee Member seat.

PRESENTATION OF MINUTES

7:17

Minutes of the Executive Session Meeting of September 21, 2022

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Executive Session meeting of September 21, 2022.

PUBLIC COMMENTS – for agenda items only.

7:57

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:08 p.m.

Mr. Russ Snyder made comments on ghost police vehicles vs. marked police vehicles in a rural community. He feels that a fully marked car would serve the Township better.

Ms. Laurie Hoffman inquired on the house that will be demolished in the Township.

Mr. Bill Bohn made comments on the house to be demolished and asked why Tewksbury Township would be covering the cost for the demolition. Mr. Bohn also inquired on the website proposal.

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 7:19 p.m.

RESOLUTION

19:30

Resolution No. 92-2022 – Authorizing the Township of Tewksbury to Demolish a Structure in Lebanon Township and Authorize a Lien to be Placed on the Property

Mayor Schmidt stated that after additional investigations and information the Committee will need to discuss this matter in closed session. No action will be taken tonight.

UNFINISHED BUSINESS

19:52

Website Proposal

Ms. Koehler stated that the website is part of the overall transition for the Township's IT needs. The website manager will not be renewing her contract with the Township next year.

Ms. Koehler and the Clerk have been meeting with the Hunterdon County Educational Services to review the management of the Township's IT needs. Ms. Koehler provided an overview of the proposal received from ESC with regard to the website transition. The proposal includes a two-year Go Daddy hosting fee as well as the cost for ESC to transition the site over.

Motion by Mr. Wilson, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Website Upgrade Proposal Agreement between Lebanon Township and the Hunterdon County Educational Services Commission with Migration cost of \$3509.00 and Labor cost of \$2450.00 for a total amount of \$5959.00.

NEW BUSINESS

Fire Chief Correspondence - Fire Recovery Program

27:28

Mr. McKee stated that a Fire Recovery Ordinance was adopted back in 2016. The ordinance provided for the process to recover money spent on oil and gasoline spill cleanups. The recovery fees have not been reviewed since that time. In addition, there are now additional recovery items that can be incorporated into the current ordinance.

Attorney Lyons is to draft an ordinance based upon the documents provided by the Fire Department.

PRESENTATION OF VOUCHERS

44:27

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

Ms. Koehler received clarification on the Intrep Solutions voucher in the amount of \$2075.00 and recommended for it to be paid.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the October 19, 2022 bill list in the amount of \$ 2,152,584.63 + \$2075.00 for a total amount of \$2,154,659.63.

Police Chief Request to Purchase 2022 Police Interceptor Utility AWD

49:07

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 2022 Police Interceptor Utility AWD from Nielsen For and associated vehicle modifications from Major Police Supply (State Contract Vendor #17FLEET00760) at a cost of \$10,745.50. Total cost \$48,463.43.

CORRESPONDENCE

50:08

- a. Town-Wide Paper Shredding Event
- b. Curator's Report

PUBLIC COMMENTS

53:02

Motion by Mr. McKee, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:53 p.m.

Ms. Jane Kent commented on Robbie-Lynn Mwangi's comments made at the last meeting regarding Ms. Koehler.

Mr. Andy Koslowski raised questions about the upgrade to the website.

Mr. Russ Snyder spoke about the widening of the driveway at 62 Anthony Road and stated his concerns with marijuana paraphernalia being displayed in the local convenience stores.

Ms. Nicole Gallo asked if the Mayor or Mr. Wilson are associated with the Facebook Informed Politics Page or the LEBTWP 411 postcard.

Mr. Glen Baykowski spoke about the driveway at 62 Anthony Road, potential lighting issues at the location, his concerns with water usage, work being conducted without permits and possible chemicals buried in the ground. Mr. said that the people would like status updates on the property.

Ms. Christine DeLorenzo provided detailed information on the documents she received from the State through an OPRA request she submitted regarding the NAR Group application. Ms. DeLorenzo called the Attorney General's office to report her findings. The matter is now with the Section Chief that represents the CRC at the Department of Health.

Mr. Keith Galloway said that there should be "Private Property Keep Out" signs posted at 62 Anthony Road.

Mr. Victor Hoffman asked about the status of the municipal office doors and commented on leaking gutters and railings that needs to be replaced. Mr. Hoffman questioned the status of the rule book for subcommittees, questioned the surplus in the budget and if there will be reports available for the public to view regarding lawsuits and investigations.

Attorney Lyons stated that with regard to the internal investigation the fact finding is complete, interviews are complete, request for written supporting documents that have been turned over to the Labor Attorney. Attorney Lyons expects to be able to report back to the Committee shortly.

Ms. Kathy Broadhurst stated that the having a marijuana factory equates to having a call center which takes a lot of resource. Ms. said that the NAR facility will be the only well water facility in the state.

Mr. Dan Adickes stated that 62 Anthony Road needs a wide driveway for the large trucks to be able to turn into the property. Mr. Adickes spoke of his love for farming.

Mr. Mike Iannace said that 10% of the county is dry from alcohol and Lebanon Township should be part of percentage that is dry from marijuana.

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Ms. Mary O'Donnell asked if items can be added to the agenda to bring the public up to date on current issues.

Ms. Sharon Petzinger asked about the hiring of the Business Administrator and the employment letter offered to her and questioned if this is standard practice.

Ms. Sharon Janks said it's been a long time since there was a Business Administrator and questioned who is picking up the slack and are they being compensated.

Ms. Nicole Gallo made comments regarding the statement made by Ms. Petzinger and the NAR letter.

Mr. Bill Bohn commented on the 62 Anthony Road driveway, lighting in the area, and a pollution investigation on the property. Mr. Bohn asked if there is a new search for Business Administrator. Mr. Bohn asked if anyone has been in contact with NAR. Mr. Bohn raised questions about the Township's demolition process, commented on the Raritan River Road demolition project. He stated concerns with 407 Little Brook Road and made recommendations on how to proceed with the property. Mr. Bohn will get a letter from the owner requesting to sell the property. Mr. Bohn raised questions about property maintenance in the Township. Mr. Bohn asked if there are grants for the Sliker Road paving projects and asked about grants in the Township. Mr. Bohn suggested creating a Citizen Advisory Committee.

Attorney Lyons will look into the outcome of the 407 Little Brook Road court case that took place today at the County.

Mr. Keith Galloway inquired on the option of placing money in escrow account for the Business Administrators pay.

Ms. Sue Donovan asked for clarification on the Fire Department recovery fees. Ms. Donovan commented on the dangers of the 62 Anthony Road driveway intersection, commented on water, contamination and permitting on the property. Ms. Donovan would like to receive minutes soon after meeting and before approved. Ms. Donovan thinks that public notices should be sent to all within a one-mile radius.

Mr. Vincenzo Peppe informed the Committee that in North Carolina they have 45-degree downward cones for lighting.

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 9:35 p.m.

EXECUTIVE SESSION

2:35:52

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 93-2022 and convened in executive session at 9:36 p.m. No action will be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 93-2022**

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): **Cedar Ridge** 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.); **Block 56 Lot 10.01**

_____ 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

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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 10:09 p.m.

ADJOURNMENT

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

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 7, 2022

Mike Schmidt, Mayor