

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

**Lebanon Township Committee
October 5, 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- Marc Laul

Also Present - Attorney Matthew Lyons, Clerk Karen Sandorse, and approximately 55 members of the public.

PRESENTATION OF MINUTES

:54

Minutes of the Executive Session Meeting of August 10, 2022

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Executive Session meeting of August 10, 2022.

PUBLIC COMMENTS – for agenda items only.

1:28

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:02 p.m.

There were no comments from the public.

Motion by Mr. Wilson, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:02 p.m.

RESOLUTION

2:07

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 90-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 90-2022
RESOLUTION AWARING A CONTRACT FOR
ROCK SALT

WHEREAS, the Board of Chosen Freeholders awarded a two-year master contract to Morton Salt (Rock Salt) on September 6, 2022 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials, Bid No. 2022-14 for the 2022/2023 season, and

WHEREAS, the Township Committee has requested to participate in the non-binding anticipation of purchasing 2000 tons of Rock Salt.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of September 19, 2022 to September 18, 2023.

COMPANY	ITEM	PRICE
Morton Salt	Rock Salt	\$ 72.84 per ton

UNFINISHED BUSINESS

4:41

Blue Light Application

Motion by Mr. McKee, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved a Blue Light Application for Joseph Fullam of the Lebanon Township Fire Department.

Year End Priorities

The Committee held a discussion on the following year end priority possibilities.

- Sign ordinance- To be held until next year.
- Noise ordinance - The County Health Department will be asked to come to a meeting to discuss Noise Ordinance options.
- Website – Priority. Need to look into American Rescue Plan grant funds.
- Memorial Policy. Ms. Koehler has received comments from the groups. With higher priorities existing matter will be held over to next year.
- Hydroponic Regulation Ordinance – Next year’s agenda.
- Well Test Ordinance – Mr. Wilson will work on parameters. The Township Attorney and Clerk will work on the process.
- Ms. Koehler is working on the IT needs and security for the Township.
- Police Headquarters sign.

Election Matters

Mayor Schmidt made comments on a banner that was hung at an event in the park with Ms. Koehler’s name and Councilwoman written on it. Ms. Koehler had contributed to the 501c3 sponsoring the event and in return they purchased and hung the banner. Discussion held.

NEW BUSINESS

35:03

American Tower Consent Letter Request

American Tower is looking to expand the footprint of the fenced in area behind the Municipal office. The 2016 Planning Board resolution restricts the area to 1600 square feet so they will need additional approvals. No action to be taken.

Police Chief’s Request to Purchase Ballistics Vest

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 Custom Point Blank Ballistics Outer Carrier with Soft Trauma Insert from Lawmen Supply Company (State Contract Vendor #17-Fleet-00754) at a total cost of \$6910.52.

LOSAP Administrator

Mr. McKee said that the LOSAP Program needs a signer. He suggested that the Liaison to the Fire Department can manage.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. McKee to administer the LOSAP program on behalf of the Township.

PRESENTATION OF VOUCHERS

41:52

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

Ms. Koehler asked to hold Intrep Solution's voucher in the amount of \$2075.00 for clarification with the Police Chief.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the October 5, 2022 bill list in the amount of \$1,138,192.90, minus \$2075.00 for an amended voucher list in the amount of \$1,136,117.90.

CORRESPONDENCE

44:23

No correspondence

PUBLIC COMMENTS

44:24

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 at 7:45 p.m.

Mr. Bernie Cryan stated the need for the public to be able to provide comments on agenda items at the start of the meeting. Mr. Cryan also commented on the Mayor's concerns with Ms. Koehler's banner being hung in the Park.

Mr. Bob Mickel requested that a policy be in place on the cancelling of meetings as residents were not notified of a recently canceled EOSC meeting.

Ms. Nicole Gallo denounced a political mailer that was sent out in the Township.

Ms. Robbie-Lynn Mwangi stated that the deadline for submitting notices for the newsletter is November 3, 2022. Ms. Mwangi noted that she had a statement, relating to her positions with the Township, to read into the record.

Attorney Lyons informed Ms. Mwangi of her Employment Rights and her right to have a discussion held in Executive Session for her privacy or in the public session.

Ms. Mwangi made a statement about negative comments Ms. Koehler made about her, at previous meetings, with regard to her position as Newsletter Editor and requested that they cease.

Ms. Victoria Cervilli commented on remarks made by the Committee.

Mr. Dan Adickes asked about a noise ordinance and stated his concerns with farm equipment noises being restricted.

Ms. Ursula Dobson asked about an update on the Business Administrator and questioned who conducted the background check on Karen Brown.

Attorney Lyons stated that the investigator has conclude the interview process in the Business Administrator matter. He will be requesting backup documentation to conclude the investigation. Next step will be the receipt of the report.

Ms. Nicole Gallo suggested having farmers involved in the wording of a noise ordinance so it is correct.

Mr. Rusty Snyder stated that he disagrees with the noise ordinance. He would like hunting or use of firearms considered. He stated concerns with marijuana paraphernalia being on display at a local store. Mr. Snyder stated concerns with stating his names at meetings as the Mayor's wife mistook him for another individual and confronted him at the last meeting.

Ms. Sue Donovan commented on harassment and bullying in the Township and that it needs to be straightened out.

Ms. Nicole Gallo informed the Committee of the Save Lebanon Township Facebook page which provides information to the public without commenting or censoring. She noted, however, that there are other Facebook pages that are censoring what is posted.

Ms. Donovan asked for the door to be posted when a meeting is canceled.

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 8:36 p.m.

Ms. Koehler asked of her rights in responding to the comments Robbie-Lynn Mwangi's statement against her. Attorney Lyons stated that the employee was informed of her rights and decided to make her comments in public; therefore, she waived her rights with regard statements she made but not outside of the accusations made.

Ms. Koehler provided a response to Ms. Mwangi's comments and noted her fiduciary responsibility to the constituents. She provided clarification on the allegations made by Ms. Mwangi and her intent behind comments referenced by Ms. Mwangi.

EXECUTIVE SESSION

1:48:06

Motion by Mr. Wilson, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 91-2022 and convened in executive session at 8:49 p.m.

No action to be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 91-2022**

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): **PBA Contract Negotiations** 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting 9:49 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: January 18, 2023

Mike Schmidt, Mayor