

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

**Lebanon Township Committee
July 5, 2023**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Beverly Koehler 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 Koehler asked everyone to please stand for the Flag Salute and after for a moment of silence in honor of our First Responders, Front Line Workers and Military.

ROLL CALL

Present - Mike Schmidt Thomas McKee Beverly Koehler

Abe Abuchowski

Absent- Brian Wunder

Also Present - Attorney Mark Roselli, Deputy Clerk Kimberly Jacobus, and 14 members of the public.

PRESENTATION OF MINUTES

1:10

Minutes of the Regular and Executive Session Meetings of May 3, 2023

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the Regular Minutes as written and the Executive Minutes as amended for the meetings of May 3, 2023.

Minutes of the Regular and Executive Session Meetings of June 7, 2023

Motion by Mayor Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the Regular Minutes with the attachment of the Memorial Policy and the Executive Minutes meetings of June 7, 2023.

PUBLIC COMMENT – Agenda Items Only

3:58

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

RESOLUTIONS

4:24

Resolution No. 84-2023 – Granting a Fireworks Permit to Lebanon Township Fire Department

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the amendment for Resolution 84-2023 as follows:
BE IT FURTHER RESOLVED that the Interstate Fireworks, Inc. shall be required to provide a Certificate of Liability Insurance naming both the Township of Lebanon and the Lebanon Township Fire Department as Additional Insureds under the required General Liability Insurance coverage, together with a copy of the policy endorsement confirming Additional Insured coverage to both the Township of Lebanon and Lebanon Township Fire Department

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution 84-2023 as amended and written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 84-2023
RESOLUTION GRANTING A FIREWORKS
PERMIT TO LEBANON TOWNSHIP FIRE DEPARTMENT**

WHEREAS, the Lebanon Township Fire Department has applied for a permit for public display of fireworks to be held on July 22, 2023 at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that a fireworks permit be granted to the Lebanon Township Fire Department for the activity described in its application.

BE IT FURTHER RESOLVED that the Lebanon Township Fire Official file copies of this Resolution and any other pertinent documents with the appropriate New Jersey agencies, and

BE IT FURTHER RESOLVED that the Interstate Fireworks, Inc. shall be required to provide a Certificate of Liability Insurance naming both the Township of Lebanon and the Lebanon Township Fire Department as Additional Insureds under the required General Liability

Insurance coverage, together with a copy of the policy endorsement confirming Additional Insured coverage to both the Township of Lebanon and Lebanon Township Fire Department.

Resolution No. 85 -2023 - NJ DOT Grant – Musconetcong River Road

Mayor Koehler stated that there were corrections to the resolution; remove Rocky Hill and replace with Lebanon Township, the spelling of her last name and Deputy Clerk Jacobus recommended the change from Council to Committee.

Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution 85-2023 as amended.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 85-2023**

RESOLUTION: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Musconetcong River Road Improvement Project.

WHEREAS, Musconetcong River Road is in need of improvement.

WHEREAS, Robert Martucci, P.E., Township Engineer, has prepared a cost estimate for improvements to this street.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon Committee formally approved 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-2024 00557 Musconetcong River Road Improvement Project to the New Jersey Department of Transportation on behalf of the Township of Lebanon.

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

Resolution No. 86 -2023 - NJ DOT Grant – Mowder Road

Mayor Koehler stated that there were corrections to this resolution as well; the spelling of her last name and change Council to Committee.

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution 86-2023 as amended.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 86-2023**

RESOLUTION: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Mowder Road Improvement Project.

WHEREAS, Mowder Road is in need of improvement.

WHEREAS, Robert Martucci, P.E., Lebanon Township Engineer, has prepared a cost estimate for improvements to this street.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon Committee formally approved 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-2024 00558 Mowder Road Improvement Project to the New Jersey Department of Transportation on behalf of the Township of Lebanon

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

Resolution No. 87-2023 - Appointment of Fire Official

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution 87-2023 with the following amendments as stated by Mayor Koehler. Resolution No. 87-2023 to read: Gary Apgar is retiring effective July 12, 2023, changed from July 14; to appoint David Sulpy as Fire Official for the Township of Lebanon effective July 13, 2023, changed from July 15; and in last paragraph effective July 13, 2023 changed from July 15.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 87-2023
APPOINTING A FIRE OFFICIAL**

WHEREAS, N.J.S.A. Titles 40 and Title 40A provide for the appointment of certain officers, appointees, and employees to Township positions to carry out the lawful duties and responsibilities of the Township; and

WHEREAS, Township Fire Official Gary Apgar is retiring effective July 12, 2023, that will necessarily create a vacancy in the position of Fire Official; and

WHEREAS, the Township Committee desires to fill the position of Fire Official; and

WHEREAS, the Township Committee has determined that David Sulpy is qualified to hold the position and desire to appoint David Sulpy as Fire Official for the Township of Lebanon effective July 13, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey that David Sulpy be and is hereby appointed Fire Official for the Township of Lebanon, effective July 13, 2023, with compensation at the rate of \$29.72 per hour, with no other benefits.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Township's Chief Financial Officer, Township Clerk, Payroll Clerk and New Jersey Department of Community Affairs.

UNFINISHED BUSINESS **11:30**

Discussion - Funding of \$200 for Historian Picnic - **Tabled**

NEW BUSINESS **11:40**

Discussion - Shed for Recreation Commission/Maintenance of other Sheds – **Tabled**

Elizabethtown Gas - project overview/update

Mr. McKee gave an overview on the Hook Mountain Estate project with Elizabethtown Gas. They are installing gas lines on Cokesbury-High Bridge Road now and then they will be installing them on Mt. Grove Road. There will be detours posted and notifications to the Police, Fire and DPW if the roads are closed.

Authorization for Mayor to sign HAD doc for gas project

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the Mayor signing the HAD document for the gas project.

Retirement announcement - Fire Official Gary Apgar

Gary Apgar is retiring from his position of Fire Official effective of July 12, 2023 as he is moving out of state. Mayor Koehler and Committeeman Schmidt commented on Mr. Apgar's knowledge and service over the many years with the township.

JCPL Forestry Work

Mayor Koehler gave an update on the tree work that JCP&L will be doing in the Teetertown area.

PRESENTATION OF VOUCHERS **21:20**

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the July 5, 2023 bill list in the amount of \$60,263.61.

CORRESPONDENCE **22:50**

- a. Historians - May 16, 2023 Meeting Minutes
- b. Ss. Peter & Paul R. C. Church- 4 Day Walking Pilgrimage

PUBLIC COMMENTS

22:43

Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:22 p.m.

Questions were asked regarding the gas line and the trees that were removed that had been used for the Christmas tree lighting.

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:26 p.m.

EXECUTIVE SESSION

27:00

Resolution No. 88-2023 – Executive Session

Personnel
Contracts
Collective Bargaining

Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2023 and convened in executive session at 7:28 p.m. Action may be taken when the public meeting is reconvened.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 88-2023**

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: CWA);

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.);

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.

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee reconvened the public meeting at 9:05 p.m. No action was taken.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Abuchowski seconded by Mr. Schmidt and carried by unanimous favorable roll call vote to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Beverly Koehler, Mayor

Approved: July 19, 2023