

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

Lebanon Township Committee
July 19, 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 meeting notice was posted on the township bulletin board and as a courtesy on the township website, distributed to the Hunter 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 the First Responders, frontline workers and members of the Military.

ROLL CALL

Present - Mike Schmidt Thomas McKee Beverly Koehler
 Brian Wunder Abe Abuchowski

Absent-

Also Present - Attorney Mark Roselli, Deputy Clerk Kimberly Jacobus and 16 members of the public.

PRESENTATION OF MINUTES 1:15

Minutes of the Regular and Executive Session Meetings Minutes of July 5, 2023

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the minutes of the Regular and Executive Session meetings of July 5, 2023. AYES: Schmidt, McKee, Abuchowski, Koehler ABSTAIN: Wunder

PUBLIC COMMENT – Agenda Items Only 2:00

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

ORDINANCE

None

RESOLUTIONS

2:25

Resolution No. 89-2023 - \$337,000 BAN

Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 89-2023

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 89-2023

Member Abuchowski introduced and moved the adoption of the following resolution and Member Schmidt seconded the motion:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, DEPUTY TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$337,000 BOND ANTICIPATION NOTE, DATED JULY 21, 2023, PAYABLE JULY 19, 2024, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion

from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$337,000 bond anticipation note, dated July 21, 2023 and payable July 19, 2024 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Deputy Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2023.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2023.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution

to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2023 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Resolution 90-2023 – Monmouth Telecom

3:45

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 90-2023

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 90-2023
APPROVING CONTRACT WITH MONMOUTH TELECOM**

WHEREAS, the Township of Lebanon is in need of telephone related services; and

WHEREAS, N.J.S.A. 40A:11-6.1, authorizes the solicitation of at least two competitive quotations, if practicable, in certain instances where the contract for services is less than the bid threshold, but 15% or more of that amount; and

WHEREAS, the Township is permitted in that instance to award a contract to the vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, the Township solicited and received 2 proposals for the required work; and

WHEREAS, after reviewing the proposals, the Township Committee determined that the proposal provided by Monmouth Telecom, 10 Drs. James Parker Blvd., Suite 110, Red Bank, New Jersey 07701 for hosted VOIP PBX services, for a two year term, with a Township option to extend the contract for an additional one year, at the same price, terms and conditions, in the amount of 462.00 per month, is most advantageous, price and other factors having been considered; and

WHEREAS, the Township Committee desires to award a contract to Monmouth Telecom, 10 Drs. James Parker Blvd., Suite 110, Red Bank, New Jersey 07701 for hosted VOIP PBX services, for a twoyear term, with a Township option to extend the contract for an additional one year, at the same price, terms and conditions, in the amount of \$462.00 per month, in accordance with the finally negotiated agreement, a copy of which is on file in the Office of the Municipal Clerk; and

WHEREAS, the Township of Lebanon has sufficient funding in place for this purchase as evidenced by the Chief Financial Officers certification of the availability of funds.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that it does hereby award a contract to Monmouth Telecom, 10 Drs. James Parker Blvd., Suite 110, Red Bank, New Jersey 07701 for hosted VOIP PBX services, for a two year term, with a Township option to extend the contract for an additional one year, at the same price, terms and conditions, in the amount of \$462.00 per month, in accordance with the finally negotiated agreement, a copy of which is on file in the Office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to issue said purchase order aforesaid on behalf of the Township.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Township's CFO and Accounts Payable Clerk.

UNFINISHED BUSINESS

5:17

Retain Appraiser for Block 49 Lot 75 – Green Acres Project

Mr. Schmidt explained that several months ago, the Township Committee approved to send to Green Acres, a pre-appraisal authorization form. After some delay, Green Acres got back to the Township, there are no changes to our proposal. The Township requested 3 appraisals and Webb Appraisal was the lowest responsible price at \$1700 to have the property appraised.

Motion by Mr. Schmidt, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Webb Appraisal cost of \$1700 for Block 49, Lot 75 pursuant to their proposal dated July 10, 2023.

NEW BUSINESS

6:24

Electric work for Fire Station #2

During budget time, there was a discussion on the needs of Fire Station #2 needing updating electrical work done. The Committee requested 3 quotes for the work. The range of quotes were from \$5449.20 to \$7565, with Hope Electric LLC being the lowest.

Motion by Mr. McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the contract Hope Electric LLC with the money coming out of the ARP funding in the capitol budget.

PRESENTATION OF VOUCHERS

8:55

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

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved the July 19, 2023 bill list in the amount of \$1,225,116.18.
AYES: Schmidt, McKee, Abuchowski ABSTAIN: Koehler from PO 23000679 only
ABSTAIN: Wunder from PO 23000680 only*

CORRESPONDENCE

13:00

- a. Friends of Memorial Park Fall Fest – September 23, 2023, 1-6 pm

b. Museum – Curator’s Report

PUBLIC COMMENTS

13:40

Motion by Mr. Wunder, seconded by Abuchowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:14 p.m.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:14 p.m.

EXECUTIVE SESSION

14:15

Resolution No. 91-2023

Litigation – Township of Lebanon vs Yuhas
Personnel
Contract Negotiations

Motion by Mr. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 91-2023 and convened in executive session at 7:14 p.m. Action may be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 91-2023**

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;

 X 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;

 X 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: _____ 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. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee reconvened the public meeting at 8:23 p.m.

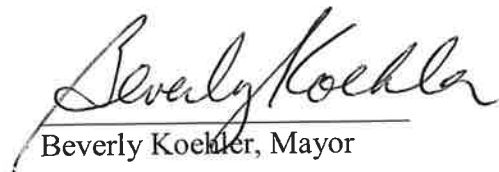
ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote to adjourn the meeting at 8:23 p.m.

Respectfully submitted,



Kimberly S. Jacobus
Deputy Clerk



Beverly Koehler, Mayor