

**Lebanon Township Committee  
February 15, 2017**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Marc Laul 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 Laul asked everyone to please stand for the Flag Salute and for a moment of silence in honor of our Servicemen and Women.

**ROLL CALL**

Present -                    Marc Laul                    Thomas McKee            Brian Wunder  
   Mike Schmidt                Beverly Koehler

Absent-

Also Present - Attorney Tara St. Angelo, Clerk Karen Sandorse and 8 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of February 1, 2017**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of February 1, 2017. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder*

**Minutes of the Executive Session of February 1, 2017**

*Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session meeting of February 1, 2017. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder*

**PUBLIC COMMENTS – for agenda items only.**

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

Mr. Ron Milkowski asked if the CWA Union negotiations are complete. Mayor Laul stated that they are not.

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

## **ORDINANCES**

### **Ordinance No. 2017-02 – Salary Ordinance**

Tabled.

## **RESOLUTIONS**

### **Resolution No. 28-2017 – Renewing Morris County Coop Agreement**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 28-2017 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 28-2017

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF  
OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and  
WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and  
WHEREAS, the Township of Lebanon desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.  
BE IT RESOLVED, by the Township of Lebanon, County of Hunterdon, State of New Jersey as follows:

1. Township Committee of the Township of Lebanon hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated February 15, 2017 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Township of Lebanon Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Lebanon officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

## **OLD BUSINESS**

### **LTVFD – Request to Seek Bids for Chief’s Vehicle**

Tabled to next meeting.

### **Amend Lease Agreement- Between Lebanon Township and the LTVFD – Fire Station 3**

The Committee discussed how the maintenance of the building will be handled. Mr. McKee stated that the Township should be responsible for the exterior of the building because it is the Township’s building. The Committee stated that it should be clearly stated in the Agreement that the Township will provide the maintenance of the building so there is no confusion. Attorney St. Angelo will make the changes to the Agreement for approval at the next meeting.

Tabled to next meeting.

### **Approve Hall Rental Agreement/Conditions for LTVFD Station 3**

Mayor Laul stated that if the occupancy for an event exceeds 99 people there must be a fire inspection done. Mayor Laul said that if the Fire Department has a predetermined layout, that meets the Fire Code, the inspection may not be necessary.

Tabled to next meeting.

### **Winding Brook Lane Letter**

*Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Winding Brook Lane Letter to be sent to the Winding Brook Lane Association. The letter will be sent from the Mayor and Township Committee.*

### **DW Garage – Mechanics Bay Floor**

Mayor Laul stated that he does not think that the Committee is comfortable with saw cutting the floor and pouring it or placing an epoxy coating on it. Mayor Laul questioned if it worth trying to grind down that epoxy to get a lower level and then grinding and shaping the concrete to the center. Mayor Laul stated that he has found a company that will do the work and asked if he should try to get a price. The Committee agreed that this may be a good option to correct the problem with the floor. Mayor Laul will try to get a price from the company and Mr. Schmidt will look for additional prices.

Mr. Schmidt stated that the vendor that Mr. Wunder had dealt with sent a sketch with a 1/10 of an inch pitch per foot. Mr. Schmidt stated that, in talking with the DPW Manager and the Mechanic, it was suggested to start with the grinding of the epoxy to see if that resolves the problem.

### **Animal Control**

Ms. Koehler stated that the subcommittee has defined the scope of the needs for Animal Control, in the Township, which she will be providing to the Committee soon. Ms. Koehler said that the question, at this time, is whether Animal Control falls under the Township Committee or the Local Board of Health.

Attorney St. Angelo stated that the Board of Health will make amendments to the ordinance, as they see fit, and will interview candidates for the Animal Control Officer position. The Board will then make a recommendation to the Township Committee for an appointment to be made.

### **Schedule Police Officer Interviews**

The Township Committee scheduled interviews for the Police Officer position, to be held on February 27, 2017 and February 28, 2017, at 6:00 p.m. The interviews will be held in 30 minute increments.

### **Volunteer Group Accident Insurance**

Mr. McKee stated that last year the Committee discussed obtaining Group Accident Insurance for the Township's volunteers. A quote was received from Groendyke, for coverage for up to 75 participants, at a cost of \$350.00. The Committee would like to move forward with the group protection. Mr. McKee will reach out to Groendyke to collect additional information.

## **NEW BUSINESS**

### **Schedule Township Volunteer Picnic – Date and Time**

The Township Volunteer Picnic will be held on July 29, 2017.

### **Food Pantry**

Mr. Wunder stated that the Food Pantry was closed last week due to snow but they were open the following day. The Boy Scouts contributed a large amount of food so the Pantry is in good shape at this time.

### **Veterans Haven North**

Mr. Wunder stated that Veterans Haven North held a Rolling Thunder Chapter 3 pizza party last evening.

Mr. Wunder stated that a letter was received from the State Department of Treasury noticing that an agency, that provides rehabilitation services for addiction and mental and behavioral health issues, will be moving into the East Hall at the Hagedorn site. Mr. Wunder will contact the State to try to get more information on the facility.

Mr. Schmidt stated that last year the Committee considered a draft ordinance relating to EMS responses to the private health facilities in the Township. Mr. Schmidt stated that this may be a good time to look at the ordinance once again.

Mr. Schmidt stated that he assumes that there is a list of criteria that the Genpsych facility must follow and noted that the Township should make sure that the State follows any requirements that the Township has in place for that type of facility. Mayor Laul stated that the Fire Department has asked to put a hold on the ordinance so they have time to work out any anomalies.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the February 15, 2017 bill list, in amount of \$3,056,084.56.*

## **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of January 2017
- b. Musconetcong Watershed Association – Thank you!

## **PUBLIC COMMENTS**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:44 p.m.*

Mr. Bernie Cryan stated that the Fire Department should be commended on the great job that they did on the inside of Fire Station 3. Mr. Cryan stated that the building was terribly neglected by the previous owners and it had to take a lot of work to make it look as it does today.

Mr. Cryan stated that soon after he left office his picture was removed from the wall in the meeting room. He said that he has a very good reason as to why but he spoke to the Mayor about it since it is a long standing policy for the Committee. Mr. Cryan stated that he wants to see the minutes from the meeting where the Committee discussed and decided to remove the picture from the wall. Mr. Cryan stated that he believes that the Committee would have had to make the decision to go against a long standing policy. Mr. Cryan would like to see the minutes which should show that it was discussed and the reasoning as to why it was removed. Mr. Cryan stated that he hopes that the picture was not removed for "something as silly as a frame".

Mr. Cryan said that he labored about bringing the next item to the Committee but felt that he needed to. Mr. Cryan stated that a few weeks prior he was able to watch five to seven of the DPW employees trimming trees along the roadway. Mr. Cryan stated that, he just so happened to notice, that virtually, the employees were not using any safety equipment. They were not using hard hats, face shields or chaps. There was no one flagging and at times the road was partially or completely blocked. Mr. Cryan stated that he saw employees being lifted in a bucket, into the air, with no lanyards or harnesses on. Mr. Cryan stated that he was not going to bring this to the Committee because it would not be looked at in a positive manner but a few days later a young resident was killed on River Road while operating a chipper. Mr. Cryan noted that the chipper is very much like the one that he witnessed the DPW employees operating, with absolutely no safety gear. Mr. Cryan noted that he is not even sure if the employees had on their steel toed safety shoes.

Mr. Cryan stated that the DPW Manager was part of the crew that was working and he was the individual who was lifting the employee up in the bucket of the front end loader. Mr. Cryan stated that if someone were to get hurt or killed it would cause extremely grave exposure for the Township and its residents. Mr. Cryan suggested that the Committee speak to the people who deal with safety, the

Township Attorney or OSHA to see how much exposure and liability there is “when you instruct your employees to work with absolutely no safety gear and doing unsafe things”. Mr. Cryan stated that when it comes to certain jobs, the Committee should hire the people who have the right equipment and proper training. Mr. Cryan stated that OSHA would probably ask for a record of the DPW’s safety meetings, the subject matter and who was in attendance. Mr. Cryan stated that there should be a minimum of one safety meeting per month.

Mr. Cryan noted that he is sure that the Committee had no idea that this has been going on but they are the Governing Body of the Committee.

Mr. Ron Milkowski asked which building is the East Hall at the Hagedorn site. Mr. Milkowski stated that not too long ago the Committee received a lot of disapproval from the residents on the Genpysch facility. Mr. Milkowski suggested that the Committee collect as much information as possible before the process begins. Mr. Milkowski said that to avoid struggling, the Committee should be aware of the number of patients, the type of patients, etc.

Mr. Milkowski stated that he feels that the Committee is going in the right direction with the grinding of the DPW floor and noted that there are high spots on the floor and the grinding may just work.

Mr. Milkowski stated that at the last meeting the Committee listed equipment that is going to be sold as surplus. Mr. Milkowski said that he went to the DPW building to look at the items and realized that the Township’s vehicles are so many different colors. At one time there were orange trucks, then green and now the Township has blue trucks. Mr. Milkowski noted that the current DPW Manager will not be with the Township forever, so his concern is that the next Manager may want red trucks. Mr. Milkowski advised the Committee that they may want to consider a standard color for the future. Mr. Milkowski noted that he is only asking for consistency.

Ms. Laurie Hoffman questioned if the Township has any say on the agencies that are located at the Hagedorn site, even if it is a private business. Mayor Laul and Mr. Wunder stated that the Township has very little input. Ms. Hoffman stated that when they changed the site for younger psychiatric patients and built the new building, a meeting was held; however, the Township had no say on the matter.

Ms. Hoffman asked how the Township is amending the dog ordinance. Mr. Wunder said that there is discussion of amending the current ordinance to include cats, livestock and other animals. Ms. Koehler stated that the subject is in the discussion phase and has not been defined at this time.

Ms. Hoffman asked if the Township’s Standing Committees will be charged for the use of Fire Station 3 and questioned if it would be possible to include the policy in the agreement so all are aware.

Mr. Victor Hoffman said that if the Fire Department charges the Standing Committees for the use of the building it would be a double charge because the Township is already giving the Fire Department money. It would be charging the residents twice for something that they have already paid for.

Mr. Hoffman said that the Committee is looking to purchase a vehicle for the Fire Department and noted that the Committee seems to always be looking to buy a vehicle for someone. Mr. Hoffman said that he would like to know how much money the Township has spent on vehicles and machinery for the Fire Department and the DPW. Mr. Hoffman suggested putting money aside each year to offset the huge payments all at one time.

Mr. Hoffman asked how much rent the Fire Department pays the Township for Fire Station 3. Mr. McKee stated that they pay \$1.00 for a 25 year lease. Mr. Hoffman stated that the Committee has been talking about who will be maintaining the building. Mr. Hoffman noted that the lease should say what the lessor is responsible for. If it is not listed in the lease, the lessee is responsible for it. Mr. Hoffman asked the Committee to consider what they are going to ask the Fire Department to maintain. Mayor Laul stated that there is already a lease in place. The lease is being amended to permit the Fire Department the option to sublease the building. In the process, the Committee realized that maintenance responsibilities were not included in the original lease. Mr. Hoffman questioned that if the doors are not wide enough or tall enough for the Fire Department's needs, why should the Township fully compensate them to widen them? Mr. Hoffman hopes that there can be a compromise reached.

Mayor Laul stated that the Committee needs to meet with the Fire Department to see what their long term goals are for the three Stations.

Mr. Hoffman stated that when the DPW building was being constructed he questioned what would be the final cost. Mr. Hoffman asked if there is a "ball-park figure" on where the Township is with the cost of the DPW building since there are a lot issues that still need to be corrected. Mr. Hoffman stated that Mr. Milkowski received criticism because he could not keep the costs down but he did the best that he could. Mr. Hoffman stated that the cost seems to continue rising.

Mr. Cryan stated that, in the previous discussions with the Fire Department, it was established that the Township could use Fire Station 3 free of charge.

Mr. Gary Milkowski told Ms. Koehler that, relative to the choice of July 29, 2017 as the date for the Township Picnic, she is not going to please everyone, all the time, so she should just continue with the date that she chose.

Mr. Milkowski asked about the extensive electrical work that was done at the DPW building and listed on the bill list. Mr. Schmidt stated that the work was mostly related to the elevated oil burners which are in different parts of the building. The original oil burners were designed to use recycled and excess diesel fuel and there is a pre-burner in them that runs all year long. It was decided to turn the burners off in the summer; however, the off switch was 16 ft. high. Due to this, emergency off switches needed to be run down the wall so they could be reached. Also, in the mechanics bay, the Co2 exhaust fan only ran for Co2 but when welding was being done the sensor did not exhaust the room for smoke; therefore, an override had to be installed. Mr. Schmidt stated that he feels that items such as these would be considered "growing pains" of the building. Mayor Laul stated that, by code, there needs to be a disconnect at the point of operation, so the work needed to be done.

Mr. Milkowski asked if anyone knows the ages of the individuals that will be residing in the East Hall building or if they will be criminals. The Committee informed Mr. Milkowski that they do not have that information at this time.

*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 8:05 p.m.*

**Resolution No. 27-2017 –Executive Session**

*Motion by Mr. Wunder seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2017 and convened in executive session at 8:05 p.m.*

It is not anticipated that action will be taken.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 27-2017  
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; Real Estate Acquisitions

\_\_\_\_\_ 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: **Affordable Housing**

\_\_\_\_\_ Professional Service Contracts \_\_\_\_\_. 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: **Fire Official Position Committee Matters** Union Contract \_\_\_\_\_ 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. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: March 1, 2017

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Marc Laul, Mayor