

**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 our Servicemen and Women.

**ROLL CALL**

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

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 10 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Executive Session of February 6, 2019**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the executive session minutes of February 6, 2019.*

**Minutes of the Regular Meeting of April 3, 2019**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the Regular meeting of April 3, 2019. AYES: Laul, Koehler, McKee, Schmidt ABSTAIN: Wunder*

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

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

Ms. Laurie Hoffman, Historian, read a statement into the record regarding the roles and responsibilities of the Historians.

Mr. Victor Hoffman, Chairman of Historians, said that he is confused as to why the Historian's discussions have been brought to the Committee meeting without having a discussion with the Historians. Mr. McKee said that he has concerns and would like to speak with the Township Attorney about the Historian Ordinance in hopes of having an answer for everyone.

Mr. Hoffman said that he was concerned with the Chairman not being notified that the matter was going to be on this agenda. Mayor Schmidt said that it was mentioned at the Historians meeting that it would be on this agenda.

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

## **RESOLUTIONS**

### **Resolution No. 40-2019 - Highlands Grant Application – Whitehall Land Preservation**

*Motion by Mr. Laul, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2019 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 40-2019  
SUPPORTING AND AUTHORIZING APPLICATION FOR  
HIGHLANDS OPEN SPACE PARTNERSHIP FUNDING PROGRAM  
FOR WHITEHALL PROPERTY PRESERVATION

WHEREAS, the New Jersey Highlands Council is accepting applications until April 30, 2019, for the Highlands Open Space Partnership Funding Program, which would provide up to 50% funding for eligible land acquisition for preservation through the Federal Highlands Act (H.R. 1964, 2004; 16 U.S.C. 3901); and

WHEREAS, eligible applicants are defined by N.J.A.C. 7:70-3.1(a) of which the Township of Lebanon qualifies as a municipality located in the Highlands Region; and

WHEREAS, WhiteHall Partners are the owners of undeveloped land in the Township known as Block 24 Lots 8.06, 8.07, 8.08, 8.09 and portions of Lot 8, in aggregate being 7 +/- acres at the corner of East Hill Road and Hickory Run Road; and

WHEREAS, the lands include substantial headwaters of the Hickory Run Tributary, which flows directly into the South Branch of the Raritan River through tracts of both preserved and low-density residential lands downstream; and

WHEREAS, the lands have been designated Conservation Priority Moderate by the Highlands Council, with a Forest Integrity score High, Watershed Value High, and are identified as part of a Wildlife Corridor containing Critical Wildlife Habitat, as well as having significant scenic benefit to the area; and

WHEREAS, preservation would advance the goals of the Township’s Wastewater Management Plan and the New Jersey Water Quality Management Planning Rules (N.J.A.C. 7:15) to reduce septic density; and

WHEREAS, the Township of Lebanon Environmental and Open Space Commission has evaluated the attributes of the lands and the potential to reduce septic density and recommends preservation and endorses application for the Highlands Open Space Program funds; and

WHEREAS, WhiteHall Partners desires to have these properties preserved and has approached the Township to apply for Highlands Open Space Funding for preservation; and

WHEREAS, the value of the properties has not been professionally appraised but is estimated that acquisition of the lands, to be called the WhiteHall Project, would require funding of up to \$260,000; and

WHEREAS, matching funds for acquisition could be pursued from sources including a partnership with the Raritan Headwaters Association, the Hunterdon County Open Space Trust, New Jersey Green Acres, and the Township of Lebanon Open Space Trust.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that \$130,000 of funding be applied for from the Highlands Open Space Funding Program for the WhiteHall Project and that the Mayor is hereby authorized to execute the documents for such application.

**Resolution No. 41-2019 – Approving LOSAP Payment for the 2017 Year**

*Motion by Mr. Laul, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2019 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 41-2019  
RESOLUTION APPROVING LOSAP PAYMENTS  
TO CERTAIN LEBANON TOWNSHIP FIRE COMPANY MEMBERS  
FOR THE QUALIFIED YEAR 2017

WHEREAS, Lebanon Township created a Length of Service Awards Program (LOSAP) for the volunteer members of the Lebanon Township Fire Company (the “Fire Company”), pursuant N.J.S.A. 40A:14-183, et seq.; and;

WHEREAS, the following members and former-members of the Fire Company are owed the LOSAP payment for the 2017 qualified year:

Cox, William	\$700.00
Crampton, James	\$700.00
Cutri-French, William	\$700.00
Dacey, Phillip	\$700.00
Janes, Carsten	\$700.00
Lemenze, Alex	\$700.00
Pek, Robert	\$700.00
Sulpy, Brittany (maiden name Trawin)	\$700.00
Sulpy, David	\$700.00

WHEREAS, the total amount of LOSAP payments owed as set forth above is \$6,300.00; and

WHEREAS, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from the Fire Company to substantiate the information provided, and is satisfied that the list is complete and accurate.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that payment of the above referenced LOSAP contributions to the Township's LOSAP Plan Provider is approved in the amount of \$6,300.00.

**Resolution No. 42-2019 – Approving LOSAP Payment for the 2018 Year**

*Motion by Mr. McKee, seconded by Mr. Wunder carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 42-2019 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 42-2019  
RESOLUTION APPROVING LOSAP PAYMENTS  
TO CERTAIN LEBANON TOWNSHIP FIRE COMPANY MEMBERS  
FOR THE QUALIFIED YEAR 2018

WHEREAS, Lebanon Township created a Length of Service Awards Program (LOSAP) for the volunteer members of the Lebanon Township Fire Company (the "Fire Company"), pursuant N.J.S.A. 40A:14-183, et seq.; and;

WHEREAS, the following members and former-members of the Fire Company are owed the LOSAP payment for the 2018 qualified year:

Cox, William	\$700.00
Cutri-French, William	\$700.00
Janes, Carsten	\$700.00
Lemenze, Alex	\$700.00
Paolillo, Dan	\$700.00
Pek, Robert	\$700.00
Schlesinger, Sue	\$700.00
Sulpy, Brittany (maiden name Trawin)	\$700.00
Sulpy, David	\$700.00

WHEREAS, the total amount of LOSAP payments owed as set forth above is \$6,300.00; and

WHEREAS, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from the Fire Company to substantiate the information provided, and is satisfied that the list is complete and accurate; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient encumbered funds from the 2018 budget to make payment of the above referenced LOSAP contributions.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that payment of the above referenced

LOSAP contributions to the Township's LOSAP Plan Provider is approved in the amount of \$6,300.00.

**Resolution No. 43-2019 – Authorizing LOSAP Payments to Certain Fire Members**

*Motion by Mr. Laul, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 43-2019 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION No. 43-2019  
TO AMEND RESOLUTION NO. 96-2016 ENTITLED  
APPROVING LOSAP PAYMENTS TO CERTAIN LEBANON TOWNSHIP  
FIRE COMPANY MEMBERS

WHEREAS, Resolution No. 96-2016 approved specific LOSAP contributions to the Township's LOSAP Plan Provider in the amount of \$12,400; and;

WHEREAS, Resolution No. 96-2016 also approved payments directly to four former members of the Lebanon Township Fire Company; and;

WHEREAS, Resolution No. 96-2016 is amended to include the payment in the amount of \$700 to Steven Bisbee for his qualifying year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the amended to Resolution No. 96-2016 to include the payment of \$700 to Steven Bisbee is hereby approved.

**Resolution No. 44-2019 – Return of LOSAP Contributions**

*Motion by Mr. Laul, seconded by Mr. McKee carried by favorable roll call vote, the Township Committee approved Resolution No. 44-2019 as written below. AYES: Laul, Koehler, McKee, Schmidt ABSTAIN: Wunder*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 44-2019  
RESOLUTION APPROVING RETURN LOSAP CONTRIBUTIONS  
AS TO CERTAIN LEBANON TOWNSHIP FIRE COMPANY MEMBERS NO LONGER  
WITH THE FIRE DEPARTMENT

WHEREAS, Lebanon Township created a Length of Service Awards Program (LOSAP) for the volunteer members of the Lebanon Township Fire Company (the "Fire Company"), pursuant N.J.S.A. 40A:14-183, et seq.; and;

WHEREAS, the following members are no longer members of the Fire Company and have not met the minimum contribution years required and as a result their LOSAP accounts have been closed:

Acevedo, Urszula

Anastasio, Kylie  
Andrew, Estal  
Blanchard, Janet  
Clark, Geoffrey I.  
Dannhauser, Robert  
Dantonio, Giulio  
Estal, Andrew  
Hallett, Jamie  
Hayth, William  
Justice, David  
Kiener, Matthew  
Note, Joni  
Rauschenberger, William  
Reiner, Eric  
Trujillo, Richard  
Wunder, Brian

WHEREAS, all contributions made on their behalf will be returned to the Township of Lebanon.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that payment of the above referenced LOSAP contributions are hereby returned to the Township of Lebanon.

## **OLD BUSINESS**

### **Monmouth Telecom – Addendum to Existing HPBX Contract**

*Motion by Mr. Laul, seconded by Ms. Koehler carried by unanimous favorable roll call vote, the Township Committee approved the Addendum to the existing HPBX Contract to include 3 Yealink W60P Cordless Phones with 3 Off Net Extensions at a total cost of \$690.00.*

### **Township Appreciation Event**

Mr. Laul informed the Committee that he would like to give each of the attendees a t-shirt at the event. His wife has the equipment to do the e-presses and they will donate their time. The cost for the shirts will be approximately \$450-\$500 and the e-press will be \$1.00 per shirt. The total cost would be approximately \$650.00.

Ms. Koehler asked for a rough price per person, for the event, at the next meeting.

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved a cap of \$650 for the cost of the shirts.*

### **Professional Property Appraisers Coverage**

The Clerk informed the Committee that the Revaluation company has had a difficult time obtaining Errors and Omissions coverage in the amount recommended by the Township's Insurance Agent. PPA has been able to obtain \$1,000,000, respectively, per event and the aggregate. A Certificate of Insurance has not been provided, thus far, but the Clerk has an email from The Hartford indicating that coverage began on April 17, 2019 and that the underwriter will be providing the binder in 2-3 days. Once PPA receives the binder, a Certificate of Insurance will be provided to the Township.

*Motion by Mr. Laul, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor and Clerk to sign the PPA contract, with modified Errors and Omission Coverage, based on an email from The Hartford establishing that the coverage began on April 17, 2019.*

### **NEW BUSINESS**

#### **Friends of Memorial Park Landscaping Project**

Mayor Schmidt stated that the Friends of Memorial Park would like to hire a landscaping company to conduct Spring/Fall Cleanups and weeding and mulching of the 7 garden beds in the park. The total contract price is \$4,857.00.

There is a Memorandum of Understanding between the Township and Friends which lists insurance requirements for larger contracts. The landscape company has \$1,000,000 General Liability coverage but the Excess Coverage Umbrella would be another cost of \$2100. Mayor Schmidt noted that there will be no use of power or heavy equipment. Friends of Memorial Park also has liability insurance as well as the Township's coverage.

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee waived the requirement for the Excess Coverage Umbrella, in the Memorandum of Understanding, if Friends enters into the landscaping contract.*

#### **Stop the Soot Grant**

Mayor Schmidt said that the DPW has requested to replace the backhoe. The NJDEP, through Federal programs, has a Stop the Soot Grant in which they will provide 25% -30% toward a qualifying new piece of equipment. The only requirements are that all laws be followed and that instead of trading in the Township's old backhoe it will need to be destroyed. The Township can qualify for \$27,000-\$33,000 toward the backhoe and would lose \$6000 for the trade in value.

In addition, for many years the DPW has requested to replace the 1977 Huber Maintainer/Paver which has become obsolete. The Township also owns a 1979 Rago Roadster Paver. The DPW Manager has suggested trading in the two old pavers for an upgraded model.

There is a 2012 Bond Ordinance which is in effect and can provide \$100,000 toward a new combined maintainer/paver.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved an application to the NJDEP to upgrade the backhoe and maintainer/paver through the Stop the Soot Grant.*

### **Volunteer Accident Policy Renewal**

*Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Volunteer Accident Policy Renewal, through RPS Bollinger Sports & Leisure, at a cost of \$350.*

### **Recreation Commission Request for Camping in the Park Event**

Mr. Darin McDowell and Ms. Maria Naccarato, Recreation Members, were present to request to hold Camping Night in the Park after a Movie in the Park. The event will be held on July 12, 2019. Parents will need to be present or there can be an organized group with chaperones. There will be a preregistration process or registration can be done the night of the event. Fires and cooking will not be permitted and tents are to be removed at a realistic time. All clean up will be handled by the Recreation Commission.

Attorney Lyons stated that the Recreation Commission will need to apply for a Special Permit under Section 269-2a7 of the Township's Code, which will provide a waiver of the limited hours of operation in the Park on July 12, 2019, subject to all participants being registered through the process established by the Recreation Commissions. All other rules and regulations of the Park will remain in effect.

*Motion by Mr. McKee, seconded by Ms. Koehler, carried by unanimous favorable roll call vote, the Township Committee approved the Recreation Commission's request to hold a Camping in the Park Event on Friday, July 12, 2019 and granted a waiver of the hours of operations. All other rules and regulations remain in effect.*

### **Discussion of Museum Curator & Historians Roles**

Held to Executive Session.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the April 17, 2019 bill list in the amount of \$4,051,133.08.*

## CORRESPONDENCE

- a. Animal Control Officer Report for the Month of March
- b. Recreation Commission March 7, 2019 Meeting Minutes
- c. Tax Collector's Report for the Months of March 2019
- d. May 4th Work Day in Memorial Park

## PUBLIC COMMENTS

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:54 p.m.*

Ms. Laurie Hoffman suggested that the t-shirts discussed, say "volunteer", and that be provided to all volunteers, not only those attending the Volunteer Appreciation Event. This way they can be worn at different Township events.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:55 p.m.*

## EXECUTIVE SESSION - Resolution No. 45-2019

*Motion by Mr. McKee, seconded by Ms. Koehler carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2019 and convened in executive session at 8:16 p.m. Potential action will be taken on one of the personnel matters.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 45-2019

### 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:); **PBA Contract Negotiations Update**

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) **Potential Shared Services with Tewksbury Township – Aptive Environmental – Fire Department Matter**

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: 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. **Museum Curator Matter – Comp Time Policy**

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.

Public Meeting reconvened at 10:04 p.m.

*Motion by Mr. McKee, seconded by Ms. Koehler carried by unanimous favorable roll call vote, the Township Committee approved the Fire Department's ability to enter into a contract with a provider of EMS services to prevent any gap in coverage between now and the next meeting of the Township Committee.*

*Motion by Ms. Koehler, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee stated clearly that the Museum Curator is an employee of Township and that the Township is therefore required to enforce all rights and obligations of the employee/ employer relationship and that the employee is subject to all of the policies and procedures of the Township as set forth in the Administrative Code and Policies and also avails to all of the protections of those policies. And, the Township Committee can only respond to communications regarding the Historian Committee, the Historian Committee Ordinance or the Museum, when such communication is approved by the Historian Committee as set forth in Chapter 39, Section 4d of the Historian Ordinance, said communication will be forwarded to the Township Clerk in writing in order to obtain a response from the Township Committee. The Township Committee hereby formally requests a copy of the by-laws of the Historian Committee as set forth in the Historian Ordinance, Chapter 39 Section 4c.*

## **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Koehler seconded by Mr. McKee carried by unanimous favorable roll call vote to adjourn the meeting at 10:07 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 1, 2019

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Mike Schmidt, Mayor