

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 and for the Police Officers killed in the line of duty, this past week, in Kansas.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse and 2 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meeting Minutes of June 6, 2018

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of June 6, 2018.

REMARK FROM THE MAYOR

Mayor Schmidt said that the State budget, introduced by Governor Murphy, proposes changes to the Energy Receipt Tax (ERT) and how it will be funded. In the past, the ERT was funded through designated revenues, from specific taxes, that went into a “Lock Box” account. The funds could only be used for subsidies going to municipalities. 40% of Lebanon Township’s budget is funded through the Energy Receipt Taxes received from the State. The new State Budget will change the “Lock Box” to a Discretionary Fund and the State Government will be able to use the funding for whatever purposes they choose. Mayor Schmidt said that this is something that the Township needs to keep a close eye on.

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.

There were no comments from the public.

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

ORDINANCE

Ordinance No. 2018-04 –Amending Chapter 77/Special Law Enforcement Officers Class III

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2018-04, on first reading, as written below.

ORDINANCE NO. 2018-04

ORDINANCE OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE TWO, CHAPTER 77 TO ALLOW FOR THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICERS CLASS III

BE IT ORDAINED BY the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the title of Special Law Enforcement Officer (“SLEO”) Class III is established under Article II, Chapter 77.

WHEREAS, the Township Committee seeks to create the position of SLEO Class III the duties of which shall be:

To exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school on the school premise during hours when the public or nonpublic school is normally in session or when it is occupied by public or nonpublic school students or its teachers.

NOW THEREFORE, BE IT ORDAINED, by the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Article II of Chapter 77 of the Township code shall be amended to provide for the creation of the positions of SLEO Class III. Said positions shall be filled and thereafter utilized in accordance with NJSA 40A:14-146.10. The number of individuals hired as SLEO Class III shall be determined on an annual basis by the Township Committee. The number of SLEO Class III shall not be included when calculating the amount of SLEO under §77-23.

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. The Township Committee authorizes the Mayor and Township Clerk to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 4. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

Public Hearing to be held on July 18, 2018

RESOLUTIONS

Resolution No. 48-2018 to Resolution No. 52-2018

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved Resolution No. 48-2018 to Resolution No. 52-2018, as written below. AYES: McKee, Schmidt, Koehler, Laul ABSTAIN: Wunder

Resolution No. 48-2018- Renewal of Plenary Retail Distribution License – The Rock Corp

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 48-2018
RESOLUTION RENEWING A PLENARY
RETAIL DISTRIBUTION LICENSE

WHEREAS, the listed Plenary Retail Distribution Licensee has submitted an application to the State of New Jersey Division of ABC; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2018-2019 year:

1019-44-008-002 The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor
425 Route 513, Califon, NJ

Resolution No. 49-2018 -Renewal of Plenary Retail Consumption License - Asdal Holdings

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 49-2018
PLENARY RETAIL CONSUMPTION LICENSE
SPECIAL CONDITION

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted an application to the State of New Jersey Division of ABC; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

WHEREAS, the license has been inactive and the licensee has petitioned the Director of the Division of ABC for a Special Ruling pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, as the licensee is requesting relief for the 2018-19, 2019-2020 and 2020-2021 license terms a Special Condition must be placed upon the license stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2021, except if good cause for reconsideration is shown.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2018-2019 year: and

NOW, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that a Special Condition is placed upon License No. 1019-33-007-002; Asdal Holdings, LLC- 374 Vernoy Road, establishing that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2021, except if good cause for reconsideration is shown.

Resolution No. 50-2018 -Renewal of Plenary Retail Consumption License – RADGNA LLC

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 50-2018
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2018-2019 year:

1019-33-003-004 RADGNA, L.L.C. T/A DelliTurris Tuscany Grill 2012 Route 31

Resolution No. 51-2018- Renewal of Plenary Retail Consumption License – ATK Inc.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 51-2018
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2018-2019 year:

1019-33-001-002 A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ

Resolution No. 52-2018- Renewal of Plenary Retail Consumption License -New Hampton Inn

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 52-2018
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2018-2019 year:

1019-33-005-002 THE NEW HAMPTON INN, INC. t/a New Hampton Inn
23 Musconetcong River Road

OLD BUSINESS

Fire Station No. 3 Water Line Repair Invoice

The Committee was of the consensus that the Township will cover the cost of the broken pipe repair at Fire Station No. 3. A Point Mountain Mechanical invoice, in the amount of \$1332.37, was approved for payment at the June 6, 2018 Committee meeting.

Tax Map Update Proposal – Revaluation Requirement

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Tax Map Update Proposal, submitted by Pam Mathews of Van Cleef Engineering, in the amount of \$38,750.

Comcast Service Upgrade

Mr. Laul stated that there is a need to upgrade the Comcast service for the Police Department, the Museum and the Municipal Office. There will be no monthly increase in cost for the Museum, the Municipal Building will have a cost increase from \$114.80 to \$185.30 per month and the Police Department will decrease from \$214.85 to \$214.80 monthly. The Police Department will have a one-time upgrade fee a \$99.95. The order for the Dept. of Public Works will be coming at a later time because the DPW cannot be upgraded until the phone system is converted to the new system.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the 3 business forms submitted by Comcast for the upgrade to the Municipal Office, the Police Department and the Museum.

Municipal Telephones

The Service Agreement was received from Monmouth Telecom. Attorney Lyons has reviewed it and it meets the needs of a municipal contract. Attorney Lyons said that he removed certain portions of the contract as he felt that they were onerous on the Township. The portions that were removed pertained to the payment terms, related to timing, and the renewal clause.

Ms. Koehler stated that she would like to have time to read over the Agreement.

Tabled to next meeting.

Lighting Upgrade Grant

Mayor Schmidt said that the Committee has had time to review the Grant proposal. The Grant will cover a lighting upgrade for the Municipal Office, the Dept. of Public Works, the Library,

Fire Station No. 2 and the Fire Station No. 3. The Township will receive a matching grant from the state to replace all of the lights to LED bulbs. The cost to the Township would be \$18,932.69. Mayor Schmidt spoke to the CFO and funding is available through either the Operating Budget or the Capital Budget. The CFO will decide where the funds will come from in the upcoming weeks. Mr. Laul stated that the grant funding cycle ends this Friday and funds are now limited.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved entering into the New Jersey Office of Clean Energy, Direct Install Program, Energy Assessment Tool Agreement for 5 buildings and authorized the Mayor and Clerk to execute.

Hunterdon County Freeholders Resolution

Mayor Schmidt informed the Committee that at the Hunterdon County Freeholder's meeting, last evening, the Freeholders adopted a resolution entering into an agreement with the Crossroads Camp for a Trail Easement that travels across the Camp. The Crossroads Camp is located in between Crystal Springs, the Teetertown Preserve and the Pelio property, that is currently under the acquisition process. Mayor Schmidt said that with the Camp easement it is getting very close to being able to walk across the entire Township.

Pelio Acquisition

Mayor Schmidt said that Green Acres is working through the requirements of the acquisition process and there has been discussion of a potential closing date being scheduled for some time in the second half of July.

Panic Button Updates

Ms. Koehler asked if the Committee found the proposed contract for the panic buttons to be acceptable. There are updates to be made and questions to be answered so Attorney Lyons can prepare a final draft. The final draft will be listed on the next meeting agenda for approval.

NEW BUSINESS

Request for Annual Donation – Lebanon Township Volunteer Fire Dept.

The Committee budgeted \$80000 for the annual donation to the Lebanon Township Volunteer Fire Department. Due to timing issues, with other purchases, the Committee is now positioned to allocate a \$50000 donation with the remaining \$30000 being provided in the Fall.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a partial donation of \$50000, as the first payment of the \$80000 donation, to the Lebanon Township Fire Department.

Impending Retirement – Deanna Kinney – Museum Employee

Mr. McKee read a letter from Deanna Kinney, Assistant Curator, informing the Committee of her anticipated retirement, at the end of December 2018. Mr. McKee said that the Committee accepts the letter with regret.

Internal Incident Reporting Policy

Mayor Schmidt stated that Mr. Wunder brought up an issue that there are times when the Committee is not informed of incidents that occur in the Township, such as, vehicle or building damage. A policy needs to be put into place, so all parties are aware of the process to follow when an incident occurs.

- Notifications are to come to the Clerk promptly for distribution to the Committee.
- All insurance claims are to be put into the Committee's in-box.
- Notification is to be made on damage to property, in excess of \$500, either through accident or vandalism.
- Damages, in excess of \$1000, are to be listed on the Township Committee meeting agenda.

The Policy will be circulated to Department Heads to collect feedback.

Hunterdon County Sherriff's Office – Request for Donation for Project Lifesaver

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Hunterdon County Sheriff's Office for a donation of \$500 to the Project Lifesaver Program.

Upcoming Township Events

Lebanon Township EOSC - Clean Up Day - Red Mill Race Property – July 7, 2018
Lebanon Township Historians – Art Show Reception – July 7, 2018 - 1:00 p.m. – 5:00 p.m.
Lebanon Township Recreation – Mini Camps July 11, 2018 – July 18, 2018 - July 25, 2018
August 1, 2018 - August 8, 2018 - August 15, 2018

American Tower Proposal

Ms. Koehler said that American Tower sent a financial proposal to the Township for a buyout of the Municipal Office Cell Tower Lease. Ms. Koehler asked why it was not on the agenda for the Committee's consideration. Mayor Schmidt stated that he spoke to the CFO and he was informed that the Township would lose the potential for future revenue increases, the Township would need to pay a discount rate for receiving the cash buyout and receiving one-time cash could raise issues for a municipal budget. The CFO advised that the future cash flow stream is more advantageous for the Township at this time. Ms. Koehler stated that she feels that the entire Committee should have considered and voted on the request. Discussion was held.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the June 20, 2018 bill list in amount of \$2,766,462.61.

CORRESPONDENCE

Planning Board Clerk – Board of Adjustment 2017 Annual Report in Accordance with MLUL Township EOSC - May 7, 2018 Meeting Minutes –

Ms. Koehler questioned:

The Clerk's ability to access the EOSC Google Drive documents for OPRA purposes.
Legal review and approval of letters sent on behalf of the Township.

Mr. Bill Cutri-French Correspondence

A letter was sent to Mr. and Mrs. Cutri-French regarding the possibility of a trail being constructed on an easement on their property. Mr. Cutri-French has responded indicating apprehensions that they have with the proposal. Ms. Koehler said that she has concerns with the entire Committee not being made aware of and discussing the matter. Discussion was held.

Ss. Peter & Paul Church, 4-Day Walking Pilgrimage
Letter of Appreciation – Bunnvale Library
Letter of Appreciation – LT Fire Chief James Crampton

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 8:29 p.m.

There were no comments from the Public.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:29 p.m.

EXECUTIVE SESSION - Resolution No. 53-2018

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 53-2018 and convened in executive session at 8:30 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION NO. -2018
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 Local 1040

_____ 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

_____ 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: **Negotiations with the Little Brook Lane Property Owners**

Association _____ 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: 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.

Public Meeting reconvened at 845 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. McKee seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:46 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 18, 2018

Mike Schmidt, Mayor