

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 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular and Executive Session Meetings of September 5, 2018

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular and Executive Session meetings of September 5, 2018.

PUBLIC COMMENTS – for agenda items only.

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

ORDINANCE

Public Hearing

Ordinance No. 2018-07 – Amending Chapter 77, Police Department, Article I, Section 77-4

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-07 was opened.

Mr. Ron Milkowski asked for an explanation of the ordinance.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-07 was closed.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2018-07 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2018-07
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
SPECIFICALLY CHAPTER 77, POLICE DEPARTMENT,
ARTICLE I, SECTION 77-4, RULES AND REGULATIONS**

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey that Mandatory Random Drug Testing is mandated under Chapter 77, Article I.

WHEREAS, the Township Committee seeks to amend Chapter 77, Police Department Article I, Section 77-4, Rules and Regulations, of the Code of the Township of Lebanon.

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 I of Chapter 77 of the Township code shall be amended to read as follows:

1:1.4.a. The Lebanon Township Police Department will comply with all mandatory guidelines and directives established by the New Jersey State Attorney General's Office and Core Policy and Procedures established by the Hunterdon County Prosecutor's Office.

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

Ordinance No. 2018-08 – Creating an Exchange Zone

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-08 was opened.

Mr. Bernie Cryan stated that he feels that this ordinance is a great idea.

Mr. Charlie Fortenbacker asked for an explanation of the ordinance.

Mr. Ron Milkowski said that he thinks that the ordinance is a good idea but questioned if it will open the Township to a liability. Attorney Lyons stated that measures have been taken to try to avoid any exposure.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-08 was closed.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2018-08 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2018-08
AN ORDINANCE CREATING AN “EXCHANGE ZONE” FOR
INTERNET BASED TRANSACTIONS AT THE
LEBANON TOWNSHIP MUNICIPAL BUILDING**

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that an “Exchange Zone” for Internet Based Transactions is established at the Municipal Building of the Township of Lebanon, located at 530 West Hill Road, Glen Gardner, New Jersey.

WHEREAS, ensuring the safety and security of the Township residents is a critical concern for the Township of Lebanon’s Mayor, Committee and Chief of Police; and

WHEREAS, in recent years, in-person sales, transactions and exchanges originating from on-line marketplaces have experienced an increase in violence and fraud; and

WHEREAS, in an effort to promote safer transactions between strangers, municipalities across the country have encouraged residents to use municipal parking facilities as a meeting place for the in-person transactions to occur; and

WHEREAS, the Mayor and Committee believe it to be in the best interest of the health, safety and welfare of the Township’s residents to establish an “Exchange Zone” in the Lebanon

Township municipal parking lot to facilitate a safer and neutral location for making in-person private transactions; and

WHEREAS, the parking lot outside of the Lebanon Township Police Headquarters is lighted and under recorded video surveillance 24 hours x 7 days per week, which provides evidence to investigate potential crimes and, thereby, a safer area for such transactions to be conducted.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that:

1. The Township of Lebanon hereby establishes an “Exchange Zone” for conducting in-person private transactions involving a Township resident that have been facilitated through on-line marketplaces to be located in an area of the Municipal Parking Lot of the Municipal Building, as designated by visible and appropriate signage, at 530 West Hill Road, Glen Gardner, New Jersey, to be designated the “Exchange Zone.”

2. Private exchange of motor vehicles, weapons, illegal substances or items that do not fit in a 10x10 parking space shall not be permitted.

3. Township officials will not provide police personnel or Township staff to witness any transaction in person, but the video recording surveillance and proximity to police headquarters is meant to increase the public’s peace of mind when engaging in such transactions with unfamiliar individuals in the Exchange Zone.

4. The Township of Lebanon makes no guarantees, assurances, or promises with respect to the condition or authenticity of any items exchanged between private parties.

5. The Township of Lebanon makes no guarantees, assurances, or promises as to the safety or security of any in-person transactions that may take place on Township property.

6. The Township of Lebanon makes no guarantees, assurances, or promises as to availability of the Exchange Zone at any particular date or time.

7. The Township encourages all persons to engage in such transactions in daylight hours only; to bring a cell phone along in case of an emergency; to notify friends and/or family of the intention to meet to conduct such a transaction; to never invite strangers to their home or agree to meet at a stranger’s home; and to reconsider any transaction with someone who refuses to meet at the Municipal Building Exchange Zone.

8. This Ordinance shall take effect upon adoption and publication in a time and matter prescribed by law.

Public Hearing

Ordinance 2018-09 – Requiring Consent to Enter a Residence While Performing Township Duties

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-09 was opened.

Mr. Milkowski said that he always thought that the Township required consent to access someone’s property and asked what has changed.

Mr. Jeff Thompson and Ms. Margaret Kelly noted that they had the issue of an employee entering their home without their consent and asked who will be enforcing the ordinance if there should be a violation.

Discussion was held on the ordinance not having stated that the homeowner has the right to refuse access, for an unannounced inspection, by a Township employee. Mr. Thompson feels that the residents need to know their rights.

Mr. Jay Wojcik stated that his wife was not aware of her right to refuse entry, to a contracted assessor, during the last revaluation in the Township.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2018-09 was closed.

The Committee decided that they would like to reconsider the content of the ordinance with attention being given to the impending revaluation and the need to protect the privacy and rights of the residents.

There was no motion made to adopt, so the Ordinance No. 2018-09 failed.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2018-09
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
TO REQUIRE CONSENT FOR A NON-LAW ENFORCEMENT EMPLOYEE OF THE
TOWNSHIP TO ENTER A RESIDENCE WHILE PERFORMING TOWNSHIP DUTIES**

RESOLUTION

Resolution No. 64-2018 – Awarding a Contract for Rock Salt

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 64-2018 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 64-2018
RESOLUTION AWARDING A CONTRACT FOR
ROCK SALT**

WHEREAS, the Board of Chosen Freeholders awarded a master contract to Morton Salt (Rock Salt) on September 4, 2018 to provide rock salt for the County and members of the

Cooperative Pricing System for Ice Control Materials Bid No. 2018-14 for the 2018/2019 season, and

WHEREAS, the Township Committee has requested to participate in the Cooperative Pricing System for Snow and Ice Control Materials with the anticipation of purchasing 2000 tons of Rock Salt, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of September 19, 2018 to September 19, 2019.

COMPANY	ITEM	PRICE
Morton Salt	Rock Salt	\$ 50.59 per ton

Resolution No. 65-2018 - Liquor License Renewal – Onorosa Inc.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved Resolution No. 65-2018 as written below. AYES: McKee, Koehler, Laul, Schmidt ABSTAIN: Wunder

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 65-2018
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

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

WHEREAS, each have 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 Licenses be granted a renewal for the 2018-2019 year:

1019-33-002-005 ONOROSA INC. 282 Route 513

OLD BUSINESS

LT Volunteer Fire Department 2018 Donation

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the final payment of \$30,000, to the Lebanon Township Volunteer Fire Department, for their 2018 donation.

Schedule DPW Candidate Interviews

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee scheduled interviews for DPW candidates to be held on Tuesday, October 2, 2018 at 6:30 p.m.

Professional Standards for Inspections – Sub-Committee

Ms. Koehler stated that she had provided, to the Committee, a copy of a Professional Standards and General Procedures for Administrative Inspections document. Ms. Kohler noted that she acquired the document from another agency as a means to assist in creating standards for the Township. Attorney Lyons provided the Committee with guidance on the creation of such standards. Mayor Schmidt said that Attorney Lyons will need to provide advice in the policy drafting and noted that the labor will fall outside of the scope of the Retainer.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Lyons to undertake work outside of the Retainer, with a CAP of 3 hours, for legal review of the Professional Standard's

Mayor Schmidt appointed Ms. Koehler and Mr. Wunder to work on the Professional Standards Policy.

NEW BUSINESS

Shared Services Agreement for SLEO Class III - Lebanon Township School District

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the SLEO Class III Lebanon Township School District Shared Services Agreement and authorized the Mayor to sign.

Shared Services Agreement for Various Services – Lebanon Township School District

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a Shared Services Agreement for Various Services with the Lebanon Township School District and authorized the Mayor to sign.

Friends of Memorial Park Fall Fest Helicopter Landing

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Friends of Memorial Park to land a State Police Helicopter in the park for the Fall Fest Event to be held on 09/29/2018. The State needs to provide a Certificate of Insurance and proper safety measures.

Review of Township Form of Government

Ms. Koehler stated that in considering the events of the last month she thought that it would be a good time to review the Township Form of Government and read from the Statute.

Resignation of OEM Coordinator – December 31, 2018

Mr. McKee read a letter from Alan Goracy, OEM Coordinator, informing the Committee of his intention to resign from his position at the end of December 2018. Mr. McKee will continue to look for a replacement and will bring names to the Committee for interviewing. If the Committee has any interested persons, they should provide the name to the Clerk to be given to Mr. McKee.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Alan Goracy, effective December 31, 2018, with regret.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the September 19, 2018 bill list in the amount of \$90,404.86.

CORRESPONDENCE

- a. Hunterdon County Sheriff – Appreciation for Project Lifesaver Donation
- b. Town Wide Clean Up
- c. Minutes of the August 19, 2018 Recreation Commission Meeting
- d. Minutes of the May 10, 2018 Historian's Meeting

Mr. McKee stated that Squier's Point is preparing to begin the Museum Bathroom addition. Mr. McKee requested authorization to reach out to the Township Engineer, Steve Risse, to see if the septic design quotes, which were received approximately 18 months ago, are still valid.

Ms. Koehler raised questions on how unforeseen problems, change orders or additional costs would be handled.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee authorized Mr. McKee to reach out to Engineer Risse to inquire on the septic system design quotes to see if they are still valid. AYES: Wunder, McKee, Koehler, Laul ABSTAIN: Schmidt

- e. Tax Collector's Report for the Month of August 2018
- f. Upcoming Recreation Events
- g. Fire Department Auxiliary Volunteers for Pancake Breakfast

Mayor Schmidt stated that the Fire Department is looking for volunteers to assist with the Pancake Breakfasts which are held on the 2nd Sunday's of the month.

Mr. Laul stated that Chief Jack Gale has promoted Officer Ronald Unkert to Corporal. Congratulations to Corporal Unkert!

PUBLIC COMMENTS

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:11 p.m.

Ms. Laurie Hoffman said that Squier's Point will deal with any issues that relate to their bathroom addition proposal; however, if there is an unforeseen problem with the building a discussion will have to be had.

Ms. Hoffman said that her property boundaries are not correct on the Township tax maps. She would like to have the maps corrected.

Ms. Hoffman questioned why the taxpayers are paying for an injured bird. Ms. Koehler said that Animal Control will need to be discussed at a future meeting.

Ms. Hoffman questioned whether the Township has a policy relating to inspections being conducted by Township officials.

Ms. Hoffman suggested that the Standing Committees should be issued ID tags also.

Ms. Margaret Kelly stated that the issue of inspections has become very large, which was not their intention. Ms. Kelly noted that every other employee who has needed to come to her home has called to make an appointment and has done a great job. Ms. Kelly said that she and her husband only wanted to protect their family, their right's and the rights of their children.

Mr. Ron Milkowski asked how many employees of the Township actually do inspections and said that he feels that this is all overboard. Mayor Schmidt noted that the situation that happened was serious but with the pending revaluation it is a good time to realize what could go wrong.

Mr. Milkowski said that the public was "put out" about the 11th hour concerns with the Museum addition because it has been going on for so long. Mr. Milkowski noted that the only possible item that can be found during the construction process would be a cistern.

Mr. Milkowski said that with the issue of the injured bird, Fish and Game should have been contacted. Animal Control should only address domestic and livestock matters.

Mr. Milkowski asked what happened with the fleas in the Library. Mayor Schmidt said that pets are not permitted in the Library and have not been for more than a year.

Mr. Milkowski asked who the review of the Township Form of Government was for? Mr. Milkowski said that if it was for the Committee it should have been discussed amongst themselves and not waste the public's time.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:32 p.m.

EXECUTIVE SESSION - Resolution No. 66 -2018

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 66-2018 and convened in executive session at 8:33 p.m. It is anticipated that action may or may not be taken when the public meeting reconvenes.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 66-2018
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:);

_____ 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: **Little Brook Lane Homeowners 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.);

 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: **Police Chief, Tax Assessor, CWA Grievance and Personnel Policies** 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 9:42 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:43 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 3, 2018

Mike Schmidt, Mayor