

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 Meetings 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 Matt Lyons, Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of September 20, 2017

Motion by Ms. Koehler, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of September 20, 2017. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder

Minutes of the Executive Session Meeting of September 20, 2017

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of September 20, 2017. AYES: Koehler, Laul, Schmidt, McKee ABSTAIN: Wunder

Minutes of the Special and Executive Meetings of September 27, 2017

Motion by Mr. Schmidt, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the Special Meeting and Executive Sessions of September 27, 2017. AYES: Koehler, Laul, Schmidt, McKee ABSTIAN: Wunder

PUBLIC COMMENTS – for agenda items only.

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

RESOLUTIONS

Resolution No. 95-2017 – Opposing Legislation Regarding OPMA and OPRA

TABLED

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 95-2017
RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS
REGARDING THE OPEN PUBLIC MEETINGS ACT AND
OPEN PUBLIC RECORDS ACT**

Resolution No. 96-2017 – Awarding Rock Salt Contract

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 96-2017 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 96-2017
RESOLUTION AWARDING A CONTRACT FOR
ROCK SALT**

WHEREAS, the Board of Chosen Freeholders awarded a master contract to Morton Salt (Rock Salt) on September 19, 2017 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2017-18 for the 17/18 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, 2017 to September 18, 2018.

COMPANY	ITEM	PRICE
Morton Salt	Rock Salt	\$ 51.31 per ton

Resolution No. 97-2017 – Redemption of Tax Sale Certificate

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 97-2017 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 97-2017
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201609 on October 14th 2016 to C&E Tax Lien Fund 1 and,

WHEREAS the amount of \$13,674.42 has been collected from Maher & Maher LLC, for Blue Apple Real Estate, the new owner of this property, known as Block 59 Lot 67, 60 Hollow Road, Lebanon Township for the redemption of Tax Sale Certificate #201609.

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$13,674.42 to C&E Tax Lien Fund 1 for this redemption, and,

THEREFORE BE IT FURTHER RESOLVED that an additional check in the amount of \$14,500.00, which was the premium paid for Tax Sale Certificate #201609, be prepared and signed and that these checks be mailed to:

C&E Tax Lien Fund 1
PO Box 5021
Philadelphia PA 19111-5021

OLD BUSINESS

NJWSA Julie Shelley – Maintenance and Management Agreement

Ms. Julie Shelley, Property and Permit Administrator for the New Jersey Water Supply Authority (NJWSA) was present to discuss proposed amendments to the Maintenance and Management Agreement (M & M Agreement), between the NJWSA and the Township. Ms. Shelly said that the NJWSA and the Township co-own four parcels in the Township which were purchased to protect water supply, water quality and other open space benefits. Three of the properties are under a M & M Agreement, which was executed in 2010, for a 20-year term. After that time, the Fisher property was jointly purchased and had its own M & M Agreement. The NJWSA is now proposing to merge all of the parcels together in one M & M Agreement and to begin a new 20-year term upon execution.

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the Amended Maintenance and Management Agreement between the Township and the New Jersey Water Supply Authority and authorized the Mayor and Clerk to sign.

Animal Control Officer Complaint

Ms. Koehler informed the Committee that she investigated the ACO complaint that Mayor Laul mentioned at the September 20, 2017 Committee meeting. Ms. Koehler provided the Committee with a detailed report on the investigation she conducted. Ms. Koehler noted that the current procedure being followed is no longer satisfactory and that there is a disconnect between all parties involved. Ms. Koehler suggested that a subcommittee be established to come up with a new written policy. The subcommittee will be Mr. Wunder and Ms. Koehler.

NEW BUSINESS

Police Officer Hire

Mayor Laul stated that at a prior meeting the Township Committee entered into an agreement with the North Hunterdon Voorhees Regional High School for a School Resource Officer (SRO). The SRO will be stationed at Voorhees High School for 10 months of the year and the school will be paying the cost for the officer during that time. Consequently, the Township is now in need to hire another officer.

Motion by Mayor Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Adrian LaRowe, to the Lebanon Township Police Department, as a full time, 9th Class Police Officer.

Social Affair Permit – St. John Neumann Church – Event Date: November 10, 2017

Motion by Ms. Koehler seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for St. John Neumann Church, for an event to be held on November 10, 2017. AYES: Koehler, Laul, Schmidt, McKee NAYS: Wunder

Tack Farm – SADC Farmland Preservation Application

Mr. McKee recused himself from the meeting room.

The Tack family (Block 56, Lot 13) is applying to the SADC to have their farm preserved. The SADC is asking for the Committee to verify that the Township does not have any reservations with the preservation moving forward.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee vowed support in the efforts of the Tack Farm for the SADC farm preservation. AYES: Wunder, Koehler, Laul, Schmidt NAYS: 0

Mr. McKee rejoined the meeting.

Little Red School House

Tabled to Executive Session

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved the October 4, 2017 bill list, in amount of \$145,954.59. AYES: Wunder, Koehler, Laul, Schmidt ABSTAIN: McKee

CORRESPONDENCE

- a. Meals on Wheels of Hunterdon, Inc. – To Be Considered at 2018 Budget Time
- b. State of New Jersey DEP – 2017 Water Quality Restoration Grant Application Response
- c. Sgt. Christopher J. Gurneak to Chief Jack Gale – Ptl. Robert Plimpton – 1 Yr. of Service
- d. State Agriculture Development Board – Grant Program- Available to Preserved Farms

PUBLIC COMMENTS

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

Steve and Linda O'Reilly, of Oak Hill Trail, informed the Committee that they formed the Richard Cudina Memorial Foundation fifteen years ago. Now, due to lack of funding, they have decided to dissolve the nonprofit. The O'Reilly's need to know who will now overtake the maintenance of the memorial. Mayor Laul advised the O'Reilly's to meet with the Park Committee to discuss the maintenance needs and expenses.

Ms. Sharon Hardy recommended placing the SADC Grant Program information in the newsletter.

Mr. George Stafford of Wharton NJ, was present as a Representative of the Highlands Coalition and Keep It Green Group. Mr. Stafford is requesting that the Township consider a resolution in support of Open Space as a progression, to make it sustainable, and a mission that is funded by the State. The Groups are looking for the Legislature to support the idea of Open Space with ground water recharge as a driving force, as well as small streams.

Mr. Stafford also stated that another matter to be considered is that Questions #2, on the November General Election Ballot, pertains to a Constitutional Amendment that notes that damages and fines collected from polluters must be used for the cleanup. In the past the money collected has been used for other reasons which is unacceptable.

Ms. Kathryn Koch presented the Committee with a Certificate from Raritan Headwaters in acclamation of the well testing program in the Township.

Ms. Kathryn Koch said that there is a 29-acre piece of property on Hickory Run Road that the State is purchasing. Ms. Koch feels that the Township should be made aware when the State is purchasing land in the Township.

Ms. Kathryn Koch said that protocol needs to be published for the residents to know what to do if they find a lost dog. Ms. Koch said that dog laws pertaining to unleashed dogs, “pooper scooper” issues, etc., need to be established, as it is becoming a problem.

Mr. Ron Milkowski asked how many Animal Control Officer complaints have been received and said that the extreme changes may not be necessary.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:09p.m.

EXECUTIVE SESSION

Resolution No. 98-2017 –Executive Session

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 98-2017 and convened in executive session at 8:09 p.m.

Action may be taken when the meeting reconvenes.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 98-2017
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:

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: 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.

The Township Committee reconvened the public meeting at 9:11 p.m. No action was taken.

ADJOURNMENT

Having no further business to come before the Committee, a motion was made by Mr. McKee, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 18, 2017

Marc Laul, Mayor