

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

Boy Scout Troop 92 led the Flag Salute and for a moment of silence in honor of our Servicemen Women.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Planner Mike Bolan, Clerk Karen Sandorse and 25 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of November 1, 2017

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of November 1, 2017.

Minutes of the Executive Session Meeting of November 1, 2017

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of November 1, 2017.

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

ORDINANCES

Public Hearing

Ordinance No. 2017-07 - Zoning

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-07 was opened.

There were no comments from the public

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-07 was closed.

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2017-07 as written below

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2017-07

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND
MORE SPECIFICALLY CHAPTER 400(Zoning)

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

Section 1. Section 51 of Chapter 400, (Ordinance 400-51), entitled “Expansion of nonconforming single-family dwellings located on nonconforming lots”, is hereby amended to read as follows:

Any existing nonconforming single family detached dwelling which exists as of the enactment of this chapter may be expanded without violating this chapter, and without requiring a variance, where the lot on which the dwelling is located meets all applicable lot area, lot frontage, and lot width requirements for the zone, and where the proposed expansion meets all applicable yard requirements, and will not otherwise increase or expand the nonconformity of the existing dwelling. **A variance will not be required in the case where a new roof to replace an existing roof on an existing single family detached dwelling, where the height of the proposed new roof will comply with the height requirements for the zone, will not increase or otherwise alter the existing building envelope of the dwelling, and where no additional living space is proposed.**

Section 2. This ordinance shall take effect following passage and publication in

accordance with the laws of the State of New Jersey.

Public Hearing

Ordinance No. 2017-08 - Zoning

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-08 was opened.

There were no comments from the public

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2017-08 was closed.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2017-08 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2017-08
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND
MORE SPECIFICALLY CHAPTER 400(Zoning)

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

Section 1. Section 52 of Chapter 400, (Ordinance 400-52), entitled “Addition to single family dwellings on undersized lots” is hereby amended to read as follows:

An addition to a single family detached dwelling may be erected on a lot which does not meet the applicable lot area requirement without violating this chapter and without requiring a variance, where both the existing dwelling and the proposed addition to the dwelling meet all applicable yard requirements for the zone, and the only nonconformity is the deficiency in lot area. A variance will not be required in the case where a new roof to replace an existing roof on an existing single family detached dwelling, where the height of the proposed new roof will comply with the height requirements for the zone, will not increase or otherwise alter the existing building envelope of the dwelling, and where no additional living space is proposed.

Section 2. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

Public Hearing

LEBANON TOWNSHIP
OPEN SPACE AND RECREATION PLAN
DECEMBER 2017

Attorney Lyons stated that the Open Space and Recreation Plan falls under the jurisdiction of the Planning Board and adopted by the same. The Township Committee does not have the authority to alter, amend or revise the OSRP.

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the public hearing for the Open Space and Recreation Plan was opened.

Planner Mike Bolan stated that the Open Space and Recreation Plan is one of the elements of the Master Plan. It is an optional component of the Master Plan except for when a municipality wants to apply for Green Acres Planning Incentive Grants. Planner Bolan provided an overview of the contents of the OSRP.

Ms. Lisa Stanski asked about a comment made by Planner Bolan on the expansion of the Memorial Park. Planner Bolan said that there is a plan for Memorial Park and there are additional facilities and fields that can be constructed.

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for the Open Space and Recreation Plan was closed.

Planner Bolan left the meeting.

RESOLUTIONS

Resolution No. 111-2017 - Interlocal Services Agreement/Construction Code Enforcement

Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 111-2017 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 111-2017
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF
NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT
WITH THE TOWNSHIP OF TEWKSBURY AND THE BOROUGH OF CALIFON

WHEREAS, the Township of Lebanon, the Township of Tewksbury and the Borough of Califon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

WHEREAS, the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration; and

WHEREAS, the agreement, in the form attached hereto, which sets forth the terms and conditions of the provision of the services and has been reviewed and approved by the Township of Lebanon Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with the Township of Tewksbury and the Borough of Califon.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

Resolution No. 112-2017 - Redemption of Tax Sale Certificate #201707

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 112-2017 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 112-2017
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201707 on October 13th 2017 to US Bank Cust for PC7 Firstrust Bank and,

WHEREAS the amount of \$5,098.77 has been collected from Ruth Reinhart Kratz, the owner of this property, known as Block 61 Lot 45, 188 Musconetcong River Road, Lebanon Township for the redemption of Tax Sale Certificate #201707,

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 \$5,098.77 to US Bank Cust for PC7 Firstrust Bank for this redemption, and that this check be mailed to:

US Bank Global Corporate Trust Services
50 S 16th Street-Suite 2050
Philadelphia PA 19102-2513

Resolution No. 113-2017 - Appointing a Risk Management Consultant

Motion by Mr. McKee, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 113-2017 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 113-2017
STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Lebanon (hereinafter "LOCAL UNIT") has joined the Statewide Insurance Fund (hereinafter "FUND"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the FUND; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant

WHEREAS, the FUND has requested its members to appoint individuals or entities to that position; and

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

1. Township of Lebanon hereby appoints Groendyke Associates as its local Risk Management Consultant.
2. The Mayor, Township Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the fund year 2018 in the form attached hereto.

Resolution No. 114-2017 – Appointing a Fund Commissioner

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 114-2017 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
RESOLUTION NO. 114-2017
APPOINT FUND COMMISSIONER

WHEREAS, the Township of Lebanon (hereinafter "Local Unit") is a member of the Statewide Insurance fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lebanon that Thomas McKee is hereby appointed as the Fund Commissioner for the Local Unit for the 2018 year; and

BE IT FURTHER RESOLVED that Karen Sandorse is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the 2018 year; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Resolution No. 115-2017 - DOT Grant – Guard Rail Project/Morris County Coop

Motion by Mr. Wunder, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 115-2017 as written below.

NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT
LEBANON TOWNSHIP
RESOLUTION NO. 115-2017

BE IT RESOLVED

that Lebanon Township Committee
hereby recommends to the New Jersey Department of Transportation that the contract for
PRO-2017-Hickory Run Road Guide Rail Replace-04428
(Name of Project)
in the Township of Lebanon County of Hunterdon
(Name of Municipality)
be awarded to Road Safety Systems, LLC (via Morris County Cooperative Pricing Council)
whose bid amounted to \$ 77,972.00 (Based on Estimated Quantities) subject to
the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

OLD BUSINESS

DPW Garage Floor Bid Specifications

Discussion was held on the timeframe in which to have the DPW Garage Floor project completed. The Committee agreed that work must begin 14 days after the Notice to Proceed and to complete the work 30 days. The requirement for a Performance Bond and a Maintenance Bond is to be removed from the Bid Packet.

Motion by Mr. Wunder seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the bid specifications with the stipulation that work must begin 14 days after the Notice to Proceed and the work is to be complete within 30 days. The requirement for a Performance Bond and a Maintenance Bond is to be removed from the Bid Packet also.

Motion by Mr. Schmidt seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee authorized the Bid Notice to be published on December 13, 2017, Pre-bid conference to be held on January 4, 2018 with Bid Opening being held on January 10, 2018.

Park Committee Resignation Clarification

Motion by Ms. Koehler seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee accepted the clarification of Kirk Petrik's resignation from the Park Committee, effective December 31, 2017.

Meals on Wheels Request for Support

Motion by Mayor Laul seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a contribution to be made to the Meals on Wheels of Hunterdon, Inc in the amount of \$500.00.

NJ Department of Agriculture – Gypsy Moth Egg Mass Survey

Mayor Laul stated that he received a letter from the NJ Dept. of Agriculture regarding the Gypsy Moth Egg Mass Survey that they conducted in the Township. The survey concluded that the egg mass count is not that high so there is no need for spraying.

Police Station Improvements

Motion by Mayor Laul seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Allstate Office Interiors to install new vinyl tiles, carpet at \$6,775.09 and hall way runners at \$796.17. Allstate Office Interiors is a State Contract Vendor, #81754.

OPEN SPACE

Mr. Schmidt stated that the closing for 97 Red Mill is scheduled for December 15, 2017. The total price for the acquisition is \$134,200.

NEW BUSINESS

Schedule 2018 Re-organization Meeting

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2018 Reorganization meeting to be held on January 3, 2018 at 6:00 p.m.

Raffle Application – Voorhees Vikings Booster Club – Various Dates

Motion by Mr. Schmidt, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for the Voorhees Vikings Booster Club for events to be held on various dates.

Raffle Application – Voorhees Vikings Booster Club – February 22, 2018

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for the Voorhees Vikings Booster Club for events to be held on February 22, 2018.

Raffle Application – High Bridge PTO – January 14, 2018

Motion by Mr. Wunder, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for the High Bridge PTO for an event to be held on January 14, 2018.

Board of Adjustment Retirement Letter – Lou Perry

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee accepted the retirement of Lou Perry, from the Board of Adjustment, with regrets and much appreciation.

Sunesys – Request for Municipal Approval – Placement of a Fiber Optic Cable

Mr. Bob Miklosi, of Sunesys, said that Sunesys is a Certified Public Utility in the State. Mr. Mikolsi said that Sunesys is expanding an ongoing project that they have with Hunterdon Health Care. Sunesys provides a direct service link to Hunterdon Health Care's buildings and facilities and they need to provide a service to a facility in Califon. A Fiber Optic Cable will need to be installed, from Route 31 to Califon, via Creger Road. The cable will run 1.9 miles in Lebanon Township and no new poles will be installed.

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee approved the Sunesys request for Municipal Approval for the placement of a Fiber Optic Cable in the Township Right of Way. The cable will run 1.9 miles on Creger Road in Lebanon Township.

GENERATOR REPAIR

Mr. Schmidt informed the Committee that the Municipal Office generator needs servicing. The service will require that the electric be shut off for approximately 4 hours. The Committee discussed when the best time would be to have the work done.

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the repair of the transfer switch, for the generator at the Municipal Office. The work is to be done on Saturday, December 9, 2017, with overtime costs for the DPW Manager and the vendor/electrician being authorized.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the December 6, 2017 bill list, in amount of \$ 127,321.29.

CORRESPONDENCE

- a. LT Recreation October 5, 2017 Meeting Minutes
- b. LT EOSC – September 18, 2017 Agenda and Minutes
- c. Responses to LT Resolution No. 95-2017 Opposing OPMA/OPRA Bills
Stephen M. Sweeney – Senate President
Joe Pennacchio – Senator
Loretta Weinberg – Senator
- d. Gail Glashoff Memo – 2018 Board of Adjustment Appointments

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 8:05 p.m.

Ms. Laurie Hoffman asked about the mold issue in the records room and questioned why the Police Department is being upgraded first. Ms. Hoffman asked if the money that is going to the Food Pantry was originally planned for the for Senior Center.

Boy Scout Logan Bevies of Mountain Top Road asked where the guardrails are going to be replaced on Hickory Run Road.

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

EXECUTIVE SESSION

Resolution No. 116-2017 –Executive Session

Motion by Ms. Koehler seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 116-2017 and convened in executive session at 8:15 p.m.

Action may be taken.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 116-2017
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 **CWA Local 1040 – Rabies Clinic Compensation** 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 8:52 p.m. No action was taken.

ADJOURNMENT

Having no further business to come before the Committee, a motion was made by Mr. Schmidt, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 20, 2017

Marc Laul, Mayor