

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
February 2, 2022**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Mike Schmidt called the meeting to order at 7:04 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 the First Responders, Health Care Heroes and Servicemen and Women.

ROLL CALL

Present - Mike Schmidt Thomas McKee Marc Laul
 Beverly Koehler Guy Wilson

Absent-

Also Present - Attorney Matt Lyons and Clerk Karen Sandorse

MEMORIUM OF JOSEPH MAURIZIO

Mayor Schmidt read OEM Coordinator Joseph Maurizio’s obituary into the record. Mayor Schmidt stated that Joe’s passing is a loss to the Township and gave condolences to the family.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of November 17, 2021

The Mayor provided the Committee with minutes, that he had edited, from the November 17, 2021 meeting for their consideration. Discussion was held on items that were removed from the minutes submitted by the Clerk.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee amended Mayor Schmidt’s edited proposed minutes to include under Public Comments -Agenda Items Only, lines 8-12, “Ms. Koehler provided information on a meeting that

took place in 2019 between the Mayor, Zoning Officer Township Attorney, Planning Board Attorney and the NAR Group Attorneys and stakeholders. Subsequently, the Mayor authorized a letter to be provided to the NAR Group, as requested, to attach to their 2019 application for an Alternate Treatment Center Medicinal Cannabis Permit.” AYES: McKee, Laul, Wilson, Koehler NAYS: Schmidt

Ms. Koehler moved, Mr. McKee seconded motion to also include in the paragraph: The letter was required by the State of New Jersey Department of Health as the CRC had not been created. Ms. Koehler noted that there are no minutes that reflect the full Township Committee being informed of the 2019 meeting or discussion being had on the content of the letter. There was no authorization to provide the letter to the NAR Group Attorneys and no approvals for legal costs associated to such. The Committee was not informed of the letter until August of 2021 when they received correspondence from the NAR Group attorneys. AYES: McKee, Koehler NAYS: Laul, Wilson, Schmidt Motion failed.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee tabled the minutes of the November 17, 2021 Regular meeting for further discussion. AYES: Laul, Wilson, Koehler, Schmidt NAYS: McKee

Discussion was held on other paragraphs in the minutes that may need to be considered for condensing.

Minutes of the Regular Meeting of December 1, 2021

Discussion was held.

Motion by Mr. Wilson, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved as the Minutes of the Regular Meeting of December 1, 2021 as edited. AYES: Laul, Schmidt, Wilson NAYS: McKee, Koehler

Executive Session Meetings of December 1, 2021

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved the executive session minutes of December 1, 2021. AYES: McKee, Laul, Wilson, Koehler ABSTAIN: Schmidt

PUBLIC COMMENTS – for agenda items only.

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

Ms. Koehler read a statement into the record regarding the NAR Group.

Mr. Ron Milkowski encouraged the committee to work together.

Ms. Sharon Petzinger made various remarks relative to public comments, the newsletter and website.

Ms. Lisa Rivers provided her opinion on the Committee’s discussion and actions on the minutes.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

ORDINANCES

Ordinance No. 2022-01- CAP – Public Hearing

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2022-01 was opened.

There were no comments from the public.

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2022-01 was closed.

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2022-01 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2022-01
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 48,685.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 170,398.06, and that the CY 2022 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduction

Ordinance No. 2022-03 – 2022 Salaries

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2022-03, on first reading as amended and entitled below.

TOWNSHIP OF LEBANON - COUNTY OF HUNTERDON
ORDINANCE NO. 2022-03
AN ORDINANCE AUTHORIZING THE 2022 SALARY FOR OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Public Hearing to be held on February 16, 2022

RESOLUTIONS

Resolution No. 30-2022 – Award of a Non-Fair and Open Contract – Tax Board Attorney

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 30-2022
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR LEBANON TOWNSHIP

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WHEREAS, the Lebanon Township Committee has a need to acquire professional services as outlined below as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Lebanon Township CFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended as approved by the Lebanon Township Committee; and

WHEREAS, the following agencies have completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Lebanon in the previous one year, and that the contract will prohibit the agency from making any reportable contribution through the term of the contract; and

WHEREAS, sufficient funds are available in the 2022 Temporary Budget and will be made available in the 2022 Municipal Budget for the Township of Lebanon as required in – N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Lebanon Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

The Mayor and Municipal Clerk are hereby authorized and directed to execute contracts with the following person and firm for the year 2022:

1. Tara St. Angelo of Gebhardt and Kiefer, P.C. is hereby appointed Lebanon Township Tax Attorney for the 2022 year.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

UNFINISHED BUSINESS

Newsletter

In November the newsletter editor informed the Committee that she was not going to renew her contract with the Township.

Mayor Schmidt recused himself from the discussion.

Mr. Laul stated that Karen Newman made a recommendation for Maria Naccarato to assume the role of editor. Ms. Naccarato has submitted a proposal.

Discussion held.

Motion by Mr. Wilson, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved keeping the same format and style as the current newsletter and to keep it produced locally.

Contract discussion to be held in executive session.

NEW BUSINESS

Board of Adjustment Request for Reappointment

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Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Board of Adjustment's Request to move Derek Porcino to Class 4 Member, term expiring 12/2023 and Karen Zatika to Alt # 1, term expiring 12/2022.

Schedule Budget Meetings

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee scheduled Budget Meetings to be held at 5:30 p.m. on Thursday, March 3rd, Thursday March 17th, and Thursday, March 24th.

Approve Junk Yard Application – Burd's Salvage

Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved a Junk Yard License for Burd's Salvage. AYES: McKee, Laul, Koehler, Schmidt ABSTAIN: Wilson

Approve Trailer Park License – Camelot @ Spruce Ridge, Inc.

Motion by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved a Trailer Park License for Camelot @ Spruce Ridge, Inc. for the 2022 year.

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 February 2, 2022 bill list in the amount of \$43,035.40

CORRESPONDENCE

- a. Fire Department Report – November 2021 –
McKee would like the Fire Departments report in the newsletter.
- b. Curator's Report

PUBLIC COMMENTS

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 at 8:45p.m.

Mr. Darryl Schmidt made comments relative to the newsletter.

Ms. Sharon Petzinger made comments relative to the newsletter.

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Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:48 p.m.

EXECUTIVE SESSION - Resolution No. 31-2022

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2022 and convened in executive session at 8:49 p.m. Action may be taken.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 31-2022
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 Negotiations**

_____ 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;

_____ 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): **Proposed**

Contract Negotiations Pursuant to NJSA 10:4-12b7

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: **Business Administrator**

And whereas 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.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee scheduled a special meeting to be held on February 16, 2022, starting at 6:00 p.m. The purpose of the meeting is to interview a candidate for the Business Administrator position.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul, seconded by Mr. Wilson and carried by unanimous favorable roll call vote to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: March 29, 2022

Mike Schmidt, Mayor