

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
July 21, 2021**

Minutes of Regular Meeting

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 the First Responders and Servicemen and Women.

ROLL CALL

Present - Mike Schmidt Thomas McKee Marc Laul
 Beverly Koehler Abe Abuchowski

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio, Clerk Karen Sandorse and 7 members of the public.

PRESENTATION OF MINUTES

Minutes of the June 16, 2021 Regular Meeting and Executive Session Meetings

Motion by Mr. McKee, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the June 16, 2021 Regular and Executive Session Meetings.

Minutes of the July 7, 2021 Regular Meeting and Executive Session Meetings

Motion by Ms. Koehler, seconded by Mr. Abuchowski, and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the July 7, 2021 Regular and Executive Session Meetings.

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 at 7:02 p.m.

Mr. Ron Milkowski asked if everything is moving forward with the purchase of the DPW Loader.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:03 p.m.

ORDINANCES

Introduction

Ordinance No. 2021-10 - Fees

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-10, on first reading as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-10
AN ORDINANCE REVISING CHAPTER 205, ARTICLE II
OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Public Hearing to be held on August 18, 2021

Introduction

Ordinance No. 2021-11 – Amending Chapter 400 “Zoning”

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-11, on first reading as entitled below,

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-11
AN ORDINANCE AMENDING CHAPTER 400, “ZONING” OF
MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Public Hearing to be held on August 18, 2021

Proposed Sign Ordinance

Mayor Schmidt stated that he has received a few questions on proposed Ordinance 2021-08, relating to Signs, which was introduced at the last meeting. Mayor Schmidt provide additional information on

the history of the current sign ordinance. Mayor Schmidt stated that the Township's election sign ordinance is defective and would not stand up in court. Attorney Lyons provided comments on election sign legalities.

RESOLUTIONS

Resolution No. 66-2021- Bond Anticipation Note

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 66-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 66-2021

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$972,292 BOND ANTICIPATION NOTE, DATED JULY 23, 2021, PAYABLE JULY 22, 2022, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$972,292 bond anticipation note, dated July 23, 2021 and payable July 22, 2022 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2021.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2021.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2021 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

Resolution No. 67-2021 – Tax Payment-Eyet

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 67-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 67-2021
RETURN OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$1,717.90 for 1st quarter 2021 taxes due to a double payment for Block 38, Lot 13.04, 8 Gary Lane, formerly assessed to: Robert T. Eyet and,

WHEREAS this amount has been requested for refund by the Tax Collector on behalf of Robert T. Eyet,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$1,717.90 to:

Robert T. Eyet
378 Rockport Road
Port Murray, NJ, 07830

Resolution No. 68-2021 – Extension of 3rd Quarter Tax Remittance Grace Period

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 68-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 68-2021

A RESOLUTION AUTHORIZING AN EXTENSION OF THE 3RD QUARTER TAX
REMITTANCE GRACE PERIOD FOR THE AUGUST 1, 2021 TAX BILL TO THE DATE OF
AUGUST 27, 2021

WHEREAS, the printing and mailing of the 2021 property tax bills was setback due to the delay in the certification of the annual tax rate by the Department of Community Affairs and the Hunterdon County Tax Board;

WHEREAS, the 2021 tax bills will be printed and mailed to the property owners of the Township of Lebanon prior to 8/2/2021; and

WHEREAS, NJSA 54:4-66.3(d) provides that the current years taxes shall not be subject to interest until the twenty-fifth day after the tax bill for the third installment is mailed and NJSA 54:4-64 further provides that the property taxpayers shall be given adequate notice of the date when taxes are due before interest is charged on delinquent tax payments.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lebanon, County of Hunterdon, State of New Jersey that in accordance with State Law, the grace period for the August 2021 property tax bill is extended to August 27, 2021, after which time said payments will be delinquent and subject to interest penalties calculated from August 1, 2021, and

BE IT FURTHER RESOLVED that interest will be charged on all tax payments received after August 27, 2021

OLD BUSINESS

DPW Loader

Mr. Barberio stated that he received a 069-G State Grant Agreement between the NJDEP and the Township. He has obtained most the required signatures. Once completed he will be forwarding to the DEP Representative for final approval. The grant amount is \$55026.44 which will assist in the purchase of the DPW Loader.

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee authorized the issuance of a Purchase Order for a 2021 John Deere 544 P, 4WD Loader, in the amount of \$183,421.47, to Jesco of South Plainfield, under State CO-OP # 65MCESCCPS. Funds are in the Capital Ordinance.

Cannabis Ordinance

Ms. Koehler suggested that the Committee hold open August 19th and August 20th as possible dates to have an emergency meeting should there be a reason to cancel the August 18, 2021 meeting. This is a precautionary measure to ensure that the Committee will be able to hold the Public Hearing on the Cannabis Ordinance prior to the August 21, 2021 deadline.

ADMINISTRATOR'S REPORT

Hazardous Mitigation Annex – Will be final after Jurisdictional Review and signatures are received, hopefully by next week.

Mechanic Position – The DPW Manager will be conducting interviews for the position. He will then meet with Mr. Barberio to discuss. Mr. Barberio and DPW Manager Gabriel will present a recommendation to the Committee at the August 4, 2021 Executive Session to make final decisions on the position and appointment.

American Tower Lease – No update from Ms. Rab.

NJ DOT Application – A NJDOT application has been submitted to repave Little Brook Road.

Statewide Insurance – Fund renewals are due and Mr. Barberio will be working on.

NEW BUSINESS

Shared Services Agreement - NHVRHS Special Law Enforcement Officer

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the Shared Services Agreement with NHVRHS for Special Law Enforcement Officer and authorized the Mayor to sign.

Shared Services Agreement –NHVRHS School Resource Officer

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Shared Services Agreement with the NHVRHS for a School Resource Officer and authorized the Mayor to sign.

Police Department Sign

Mr. Laul stated that there is a man in town who does signs. He provided the Committee with a few drawings to replace the Police Department sign.

The cost is \$1000 and Mr. Laul has offered to paint the sign.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of the sign for \$1000 from Brandon Holmes, With the Grain, and for Mr. Laul to paint.

Mayor Schmidt stated that the sign in front of the Municipal Office has been replaced. It was arranged by Past Committeeman Wunder and created and donated by Chamberlain Signs & Graphics. The Committee thanked them for their contribution to the Township.

Police Chief's Request to Purchase 2 Ballistic Vests

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of 2 Ballistic Vests from Lawman Supply Company in the amount of \$2591.60.

Historian Laurie Hoffman – Request for Memorial Bench

Mr. McKee stated that the Historians had a unanimous vote to purchase a memorial bench in honor of George Zak who recently passed away. The bench is to be placed at the Museum.

Ms. Laurie Hoffman requested approval from the Committee to spend up to \$1500.00 from the Historian's Trust Account. They would like to purchase a bench as George Zak was an honorary member of the Historian Committee.

The Committee discussed whether the Trust Account money is public funds and if it is acceptable to pay for the bench through it. Discussion was held on where to place the bench at the museum.

The Committee agreed that there needs to be a policy on how to handle such a request. The useful life of the bench has to be considered. A memorial can be for the life of the bench or a set period of time.

It was decided that there is a need to set up a subcommittee to establish policy for memorials. The subcommittee will work with the Park Committee as there are many memorial benches in the Park.

Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Ms. Koehler and Mr. Laul as a sub-committee to conduct research and develop policy for memorials in all public locations in the Township.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the July 21, 2021 bill list in the amount of \$ 84,518.06.

CORRESPONDENCE

- a. Animal Control Officer June 2021 Report

PUBLIC COMMENTS

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:56 p.m.

Mr. Andy Kozlowski asked about political signs being placed on utility poles.

Ms. Laurie Hoffman asked about the status of the preservation of the Township records.

Mr. Ron Milkowski said that it is nice to see the Committee working to resolve the issue of memorials in the Township.

Mr. Milkowski suggested striking out the length of time for political signs to be displayed in the sign ordinance.

Mr. Milkowski stated that, regarding the air conditioning in the municipal offices, he thought Committeeman Laul has been working on it for a while.

Mr. Mike Folconeri informed the Committee that the memorial benches in the park were donated and said that a main focus when establishing policy should be if the benches are donated vs. paid for through Township funds.

Ms. Lisa asked that now that the Cannabis Ordinance has been sent back to the Planning Board for comments, could their comments effect the adoption of the ordinance at the August 18, 2021 meeting.

Mr. Guy Wilson asked if there is a provision in the Cannabis legislation to extend the deadline in the case of an emergency.

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 8:13 p.m.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 8:14 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 4, 2021

Mike Schmidt, Mayor