

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
October 6, 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 our first responders and Servicemen and Women.

ROLL CALL

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

Absent-

Also Present - Attorney Matt Lyons, Administrator James Barberio, Clerk Karen Sandorse and 3 members of the public.

PRESENTATION OF MINUTES

Minutes of the September 15, 2021 Regular Meeting - Tabled

PUBLIC COMMENTS – for agenda items only.

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 7:01 p.m.

There were no comments from the public.

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:01 p.m.

ORDINANCES

Introduction – Ordinance No 2021-12 Amending Chapter 400 “Zoning”

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-12, on first reading as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-12
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 November 3, 2021

RESOLUTIONS

Resolution No. 80-2021 – Resolution in Support of TWA Application

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 80-2021
RESOLUTION IN SUPPORT OF TWA APPLICATION

WHEREAS, M River Properties, LLC, owns a property in Lebanon Township known as Block 69 Lot 42, 168-172 Musconetcong River Road;

WHEREAS, certain issues exist with respect to septic conditions on the property; and

WHEREAS, the Property Owner has requested that the Township express its support by authorizing a Statement of Consent that authorizes certain improvements to the septic system in order to cure the concerns on the property, and

WHEREAS, the Township supports efforts of the Property Owner to improve the septic system.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, hereby authorizes the Mayor and Clerk to execute the Statement of Consent for a Treatment Works Approval Application submitted by M River Properties, LLC, to the Department of Environmental Protection.

UNFINISHED BUSINESS

Sign Ordinance

The Committee held a lengthy conversation on the proposed sign ordinance. They discussed the following items:

Enforcement

Size of signs on public and private properties

Designation of where signs will be permitted on properties owned by the Township

Numbers of signs permitted on Township owned property

If signs should be permitted in the park and distances to the entrance

Distances to public buildings

Site line requirements for the Library and the corner of Bunnvale Road and West Hill Road

Signs on private property

The Committee also discussed the locations where signs can be placed:

Corner of 513 and Bunnvale Road

Corner of West Hill Road and Bunnvale Road

The T intersection of West Hill and Red Mill Road

The T intersection at Red Mill Road and Mt Airy Road

One sign will be permitted per property

Signs can be placed 30 days prior to the election but must be taken down within 48 hours after the closing of the polls.

Signs can only be placed on properties with majority ownership by the Township.

The Committee discussed the Township properties where signs will be restricted:

Municipal Complex

Fire Department buildings owned by Township

Museum

DPW building

Library with an * as there will be limitations on where the signs can be placed.

Park property with * as there will be limitations on where the signs can be placed.

Block and Lot numbers of these properties will be included in the ordinance. Ms. Koehler will provide the Block and Lot numbers.

Any signs that do not comply with the ordinance will be removed by the Zoning Officer or the DPW.

The Committee discussed eliminating #3 which relates to the removal of signs that do not state who paid for its production, as it is controlled by the Election Board.

The Committee discussed enforcement of signs that are placed on private properties against the property owners wishes.

Mr. Abuchowski provided a summary of the items to be included in the ordinance as follows:

Political signs are not to exceed 32 square feet.

The total combined area of signs will not exceed 50 square feet.

Signs will be permitted on specific municipal properties. Properties will be listed.

Signs will be restricted on certain municipal properties. Properties will be listed.

The Committee decided to leave #3 in the ordinance. Signs that do not comply with the law are to be removed.

The last items to be addressed are the site lines for the Library and Park properties and Block and Lot numbers are to be added.

Proposal for Creating New Resolutions or Ordinances

Mr. Abuchowski read into the record a proposal for a Policy and Procedures for Agenda Items. Attorney Lyons stated that if the Committee would like to adopt the rules it would have to be done by motion. The rules can be adopted each year at the annual reorganization meeting.

Mayor Schmidt said that he is not in favor of a resolution establishing the rules. He feels that it should be a consensus of the Committee.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved the proposal for Agenda Policies and Procedures. AYES: Laul, McKee, Abuchowski, Koehler NAYS: Schmidt

Agenda Policies and Procedures

1. The agenda is prepared by a collaboration of The Township attorney, Township Clerk and the Mayor who is appointed by the Township Committee.
2. Any seated committee person may, by request, ask to have a topic or topics placed on the agenda as new business.
3. During public comment at a Lebanon Township Committee meeting a member of the public can present a topic that may be taken up for future consideration by the Township Committee.
4. Once a topic is placed on the agenda, the committee can then publicly discuss the merits and potential action which may or may not be taken.
5. Action may take the form of appointing a subcommittee, if needed, to study the issue and then present recommendations to the Township Committee at a later date as old business.
6. The Committee will then discuss the recommendations and decide either to table for lack of action or further study required before moving forward.
7. If the majority of the committee comes to agreement on the content debated, then action may take the course of a proposed Resolution or Ordinance and authorize the Township Attorney to draft such a Resolution /Ordinance.
8. The proposed Resolution or Ordinance will be placed on the agenda no later than 4:30 pm on the Thursday, prior to the Township Committee next Meeting.
9. The Resolution or Ordinance will be discussed at the Township Committee meeting and will either be amended and placed on the agenda at a future date, or approved and forwarded for review by appropriate parties, placed on the agenda for public hearing and Vote, or tabled.

Exceptions to this process are routine resolution (including tax refunds, etc.) that the Municipal Clerk may place on the agenda.

Policy and Procedure Manual

Once Mr. Barberio has received comments from the Committee, the Policy and Procedure Manual will be placed back on the agenda for consideration.

NEW BUSINESS

Board of Adjustment – Request to Appoint Alternate II Member

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee appointed Karen Zatika to the Board of Adjustment as Alt. #2, term expiring December 31, 2021.

Electric Vehicle Ordinance

Attorney Lyons stated that an Electric Vehicle Ordinance is being mandated by the State; however, there is some local discretion permitted. Until the Committee makes revisions to the Ordinance the Township will have to follow State law in its entirety. Mayor Schmidt proposed striking all optional language and to just implement what the State requires. The Committee agreed. The ordinance will be provided to the Planning Board and Board of Adjustment for comments once all optional language is removed.

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee will send the proposed Electric Vehicle Ordinance, limited to state requirements, to the Planning Board and Board of Adjustment for comments.

Cancel November 17, 2021 Meeting

Mayor Schmidt suggested cancelling the November 17, 2021 meeting due to the upcoming League Convention. Mayor Schmidt asked for a motion to cancel the meeting. No motion was made.

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 October 6, 2021 bill list in the amount of \$ 275,150.55.

CORRESPONDENCE

- a. Letter to PBA from Administrator
- b. Curator's Report

Mayor Schmidt stated that he was informed by Tax Assessor that the Township's new ratio is 94.33%, down from 99.27% last year. The decrease is due to the increase in the real estate values.

PUBLIC COMMENTS

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 at 8:53 p.m.

Guy Wilson commented on the ratio provided by the Tax Assessor.

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 8:55 p.m.

EXECUTIVE SESSION

Action will be limited to personnel matter.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2021 and convened in executive session at 8:55 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 81-2021

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;

_____ 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): 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 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.); The general nature of the matter is:

 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: 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. **Planning Board Clerk**

 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 public meeting was reconvened at 9:07 p.m.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Gail Glashoff's request for an extended unpaid leave of absence, pursuant to the CWA Contract, with the continuation of her medical benefits at her cost.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: November 3, 2021

Mike Schmidt, Mayor