

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
March 3, 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, Health Care Heroes 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 (via telecom)

PRESENTATION OF MINUTES

Minutes of the January 6, 2021 Reorganization Meeting (Tabled)

Minutes of the Regular Meeting of February 17, 2021

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of February 17, 2021.

PUBLIC COMMENTS – for agenda items only.

Mr. Abuchowski asked to make comments regarding one of the resolutions that is on the agenda prior to opening the meeting for Public Comment. Attorney Lyons informed the Committee that they would need to have a motion to amend the agenda.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved amending the agenda to open discussion by the Committee on the agenda.

Discussion was held on the agenda but no action was taken.

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

Mayor Schmidt read into the record three emails that he received relative to the discussion on the 1st and 2nd amendment. There were six additional emails received but the individuals did not request that they be read into the record.

Many members of the public provided their opinions on the Committee reaffirming their support for the First and Second Amendments as well as proposed Resolution No. 34-2021.

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

Ordinance No. 2021-03- CAP – Public Hearing

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-03 was opened.

There were no comments from the public.

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-03 was closed.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-03 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2021-03
CALENDAR YEAR 2021
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 1.0% 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

LTCM

03/03/2021

Page 3 of 6

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 2021 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 \$ 47,472.38 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 2021 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 \$ 166,153.33, and that the CY 2021 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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.

RESOLUTIONS

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee moved to amend the agenda.

Mr. McKee stated that he would like to offer a solution on the topic of the US Constitutional Amendments. Mr. McKee said that he has heard a lot of discussion about Resolution No. 22-2021 which is adopted by the Committee, annually, at their Reorganization meeting. The resolution supports individuals rights and affirms the protection of those rights. Mr. McKee proposed continuing to support everyone's Constitutional rights and the individual rights as they are protected for all individuals. Mr. McKee asked the Committee to consider amending Resolution No. 22-2021, through proposed Resolution No. 35-2021. Mr. McKee suggested inserting another WHEREAS clause, under the third WHEREAS, to read; WHEREAS, the First and Second Amendments of the United States Constitution are foundational pillars of individual freedoms. Mr. McKee stated that the language in the resolution encourages all future Committee's to continue with the resolution as proposed. Discussion held.

LTCM

03/03/2021

Page 4 of 6

Ms. Koehler stated that she feels that Mr. McKee's recommendation is a very good compromise.

Mr. McKee moved, Ms. Koehler seconded motion to adopt Resolution No. 35-2021, amending Resolution No. 22-2021.

Mr. Laul said that he does not agree with the proposal as the Committee is not receiving public comment on it.

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee moved to open the meeting to public comment relating to Mr. McKee's amendment proposal, specifically.

There were many comments made by the public regarding Mr. McKee's proposal.

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed public comment relating to the revised resolution.

Mr. Laul said that he feels that the Committee is not handling the situation in the right fashion. He thinks that the Resolution should be created and the public should have the opportunity to review and provide comments.

Mayor Schmidt stated that he feels that Mr. McKee's solution keeps the scope of what the Committee is going to discuss to matters that they have the statutory capability to address, local matters, and a resolution that supports the US Constitution. The Committee will be open to receiving comments and reopening the resolution to future modifications. Mayor Schmidt stated that he feels that Resolution No. 35-2021 is a reasonable solution.

Mr. Laul moved to defer the vote that is on the table to the next meeting, no second, motion fails.

Comments have concluded on the pending motion. Mr. McKee has moved, Ms. Koehler seconded motion to adopt Resolution No. 35-2021, amending Resolution No. 22-2021. Motion carried on roll call vote with the stipulation that the Committee would invite comment on the new Resolution that has been passed. AYES: McKee, Abuchowski, Koehler, Schmidt NAYS: Laul

Resolution No. 34-2021 – The Scope of the Township's Jurisdiction and Using Taxpayers Resources for Advocating Such Positions

There was no motion so the resolution fails.

OLD BUSINESS

Budget Meetings

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee canceled the March 4th and March 11th Budget meetings.

LTCM

03/03/2021

Page 5 of 6

The next Budget meetings will be held on March 18th and March 25th.

NEW BUSINESS

Approval to Recruit New Police Officer

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee authorized the Chief to recruit a new police officer.

Historian's Request to Appoint New Members

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee appointed Louis Baldino to the Historian's Committee.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee appointed Brian Wunder to the Historian's Committee.

The Committee took a brief recess.

Marijuana Legislation Update

Ms. Koehler provided a detailed overview of the NJ Legal Marijuana Legislation and the implementation of such.

Attorney Lyons stated that the Attorney General is coordinating legal issues. The Township will be responsible for Land Use Issues. Attorney Lyons will provide the Committee with the options for their consideration and will seek guidance. The deadline for the Committee to take action is August 22, 2021 and such action will be in effect for 5 years.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the March 3, 2021 bill list in the amount of \$ 2,828,422.80.

CORRESPONDENCE

- a. 2020 Historian's Minutes

Mr. McKee said that the Curator has asked the Historians do a small filming for a production relating to child labor. The Historians agreed with it. Mr. McKee approved the filming but will bring similar requests to the Committee in the future.

- b. Recycling Coordinator Memo- Clean Communities & Recycling Events
- | | |
|---------------------------------|------------------|
| Spring Clean-up | April 10, 2021 |
| Electronics & Scrap Metal Event | October 23, 2021 |
| Fall Clean-up | October 30, 2021 |

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 9:37 p.m.

No comments from the public

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 9:37 p.m.

Mr. Abuchowski said that at the Planning Board meeting discussion was held on complaints received from residents that their neighbor's lights are too bright or shine on their homes. There is also an issue with some properties not having enough lighting. The Committee will need to decide if they would like for the Planning Board to propose an amendment to the current lighting ordinance. This matter will be discussed at the March 17, 2021 meeting.

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 9:40 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 7, 2021

Mike Schmidt, Mayor