Meeting audio can be found at lebanontownship.net.

Lebanon Township Committee April 7, 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 Regular Meeting of March 3, 2021

Motion by Mr. Schmidt, seconded by Mr. Abuchowski and carried by favorable roll call vote, the Township Committee approved amending the minutes of the Regular Meeting of March 3, 2021. AYES: Laul, Abuchowski, Schmidt NAYS: McKee, Koehler

Motion by Mr. Laul, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 3, 2021, as amended. AYES: Laul, Abuchowski, Schmidt NAYS: McKee, Koehler

Minutes of the March 17, 2021 Regular Meeting - Tabled

PUBLIC COMMENTS - for agenda items only.

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

Comments were received from the public regarding proposed Resolution's No. 44-2021 and No. 34-2021.

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.

Ordinance No. 2021-04 - Stormwater Management

Introduction

Motion by Mr. McKee, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-04, on first reading as amended and entitled below.

STATE OF NEW JERSEY COUNTY OF HUNTERDON TOWNSHIP OF LEBANON ORDINANCE NO. 2021-04

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED "STORMWATER MANAGEMENT" TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULESD AT N.J.A.C. 7:8. ADOPTED MARCH 2, 2020

Public Hearing to be held on May 5, 2021

2021 BUDGET INTRODUCTION

Resolution No. 40-2021- Delay in 2021 Budget Introduction

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2021, as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 40-2021

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 30 of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2021 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby

petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2021 Lebanon Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Resolution No. 41-2021- Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2021, as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 41-2021

WHEREAS, the 2021 Local Municipal Budget was introduced on the 7th day of April, 2021; and,

WHEREAS, during the fiscal year 2021 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$189,085.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2021 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Recycling Tonnage Grant	\$4,099
Clean Communities Program-2020 Prior Year Unapprop.	1,131
NJDOT Grant – East Hill Road	183,500
Alcohol Education Prior Year Unapprop.	250
Body Armor Prior Year Unapprop.	78
Drunk Driving Enforcement Grant – Prior Year Unapprop.	27
-	\$189,085

Resolution No. 42-2021- Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee amended Resolution No. 42-2021; changing the Lebanon Board of Education-Property Maintenance from \$20,000.00 to \$22,000.00 for a total of \$237,000.00.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 42-2021, as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 42-2021 LTCM 04/07/2021 Page **4** of **11**

WHEREAS, the 2021 Local Municipal Budget was introduced on the 7th day of April, 2021; and,

WHEREAS, during the fiscal year 2021 the Township of Lebanon will receive revenue for various other special items in the amount of \$237,000.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2021 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

Lebanon Board of Education-Police SRO Ss \$ 215,000.00 Lebanon Board of Education-Property Maintenance \$\frac{22,000.00}{\$ 237.000.00}\$

Resolution No. 43-2021- Introduction of the 2021 Municipal Budget

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 43-2021, as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY RESOLUTION NO. 43-2021

WHEREAS, the Township of Lebanon is holding a meeting on April 7, 2021, for the purpose of introducing the 2021 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2021 Local Municipal Budget be introduced and approved on April 7, 2021.

2021 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 550,000.00
Total Miscellaneous revenue	3,179,507.00
Receipts from Delinquent Taxes	260,000.00
Local Property Taxes	<u>2,741,213.00</u>
Total General Revenues	\$ <u>6,930,720.00</u>

Salaries and Wages	\$2,479,407.00
Other Expenses	1,782,217.00
Capital Improvements	891,500.00
Debt Service	480,786.00
Statutory Expenses	643,277.00
Reserve for Delinquent Taxes	453,533.00
Total 2021 Municipal Budget	\$ <u>6,930,720.00</u>

Municipal Tax Rate \$0.2941

RESOLUTIONS

Resolution No. 44-2021 - Committee Meeting Agenda Procedure

Mayor Schmidt stated that he felt that it would be beneficial to put the agenda procedures into writing based on recent events. Mayor Schmidt created the resolution with review by Attorney Lyons for legalities. Discussion held.

Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee **tabled** Resolution No. 44-2021.

TOWNSHIP OF LEBANON HUNTERDON COUNTY, NEW JERSEY RESOLUTION NO. 44-2021 RESOLUTION ON COMMITTEE MEETING AGENDA PROCEDURES

WHEREAS, the Committee of the Township of Lebanon is obligated to provide the Public with advance notice of topics for discussion or action at its public Committee Meetings to the extent possible, and

WHEREAS, the members of the Township Committee benefit from the same advance notice of topics for discussion or action at its public Committee Meetings as well as benefiting from having background information provided in advance of Committee Meetings, and

WHEREAS, the Committee of the Township of Lebanon follows Roberts Rules of Order in the conduct of its Committee Meetings, and

WHEREAS, the Mayor presides over Township Committee meetings which requires the Mayor and Municipal Clerk to prepare the Agenda for Committee Meetings in accordance with the Open Public Meetings Act, and

WHEREAS, any member of the Township Committee or members of the public may request of the Mayor and Clerk that topics be placed on the Agenda for Committee Meetings.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that known requests for topics to be included on the Agenda for a regular Committee Meeting must be received by the close of business on the Thursday preceding the Wednesday of a regular Committee Meeting, and

BE IT FURTHER RESOLVED that supporting information available for a requested topic on the Agenda must be provided at the time a request is made of the Mayor and Clerk, and

BE IT FURTHER RESOLVED that the Mayor and Clerk will assess any request for a topic to be placed on the Agenda with respect for appropriateness and legality and sufficiency of supporting information, as well as any required document formatting in the case of Resolutions, and the Mayor and Clerk may require additional time for these tasks such that a request may not be placed on the next Meeting Agenda, and

BE IT FURTHER RESOLVED that time-sensitive matters, especially matters with a financial impact on the Township which were not known at the time of the aforementioned submission deadline, may be added to the Agenda after the normal deadline by contacting the Mayor and Clerk up to noon on the day of a Meeting, and

BE IT FURTHER RESOLVED that any Committee Member who wishes to add topics to the Meeting Agenda at the start of a Meeting shall introduce a Motion to Amend the Agenda for that Meeting, and the Meeting Agenda shall only be amended by a majority vote on such Motion.

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Resolution No. 34-2021 - Advocating Positions Outside the Scope of The Township's Jurisdiction and Using Taxpayer Resources for Advocating Such Positions (Carryover from the March 3, 2021 meeting)

Mayor Schmidt stated that he brought this resolution back to the Committee to obtain guidance on what matters are adequate to be placed on the agenda. Mayor Schmidt questioned if the Committee is going to limit Township business to areas where they have jurisdiction. Discussion held.

Mayor Schmidt moved to adopt Resolution No. 34-2021, no second was made. Motion failed.

TOWNSHIP OF LEBANON HUNTERDON COUNTY, NEW JERSEY RESOLUTION NO. 34-2021

RESOLUTION AUTHORIZING ADVOCATING POSITIONS OUTSIDE THE SCOPE OF THE TOWNSHIP'S JURISDICTION AND USING TAXPAYER RESOURCES FOR ADVOCATING SUCH POSITIONS

WHEREAS, the Committee of the Township of Lebanon desires to expand the range of issues on which it takes official action to advocate for positions on topics of public interest outside the scope if its jurisdiction, and

WHEREAS, the jurisdiction of Municipal government flows from the State of New Jersey and is limited by statutes enumerating authority over specific issues while reserving all other authority to the State or, on issues for which the States have granted authority, to the Federal government, and WHEREAS, the Committee of the Township of Lebanon may only "pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law" (NJ Rev Stat 40A:63-6(b)(1)), and

WHEREAS, actions taken by the Committee of the Township of Lebanon related to topics outside its scope of jurisdiction do not carry the force of law but merely express opinions on topics outside the scope of the Township's jurisdiction and such actions should be clear to not create confusion among the residents that State and Federal laws are not superceded, and

WHEREAS, the Committee of the Township of Lebanon has on occasion taken action to advocate for action by other levels of government at the County, State or Federal level, and the positions advocated were, in the judgement of the Township elected officials, to be for the benefit of all residents and reasonably believed to be supported by all residents, and

WHEREAS, New Jersey State statute (NJ Rev Stat 19:37-1) limits a Township from ascertaining by referendum the sentiment of voters to topics "pertaining to the government" of the Township, which has been clarified to prohibit a Township from using taxpayer resources for a referendum on issues that "are not matters with respect to which the governmental body has the power to take direct action" (reference

https://dspace.njstatelib.org/xmlui/bitstream/handle/10929/47528/ag%20opinion%201990-2.pdf?sequence=1&isAllowed=y), and

WHEREAS, the New Jersey State Constitution does not provide for any procedure to ascertain directly citizens' viewpoints on public policy issues (ibid.), and

WHEREAS, the New Jersey Courts have opined that for a municipality to test public opinion in the abstract or on controversial issues outside the province of the governing body "would open the doors without any restriction and would lead to nothing but confusion and turmoil" (Botkin, 52 N.J. Super. 416), and

WHEREAS, while the residents of the Township of Lebanon are known by the Committee to have diverse opinions on matters of national and statewide public policy, the Committee will take action to

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advocate positions by a majority vote of the Committee that is not informed by ascertaining the actual sentiments of the Township's residents and may, in fact, be known to be opposed by a significant portion of the Township's residents, and

WHEREAS, the Township Committee will use taxpayer funded resources in the preparation and execution of governing body action to advocate positions outside its scope of jurisdiction on matters of public interest regardless of varying positions held by Township residents upon the receipt of a proposed Resolution to do so from a resident of Lebanon Township, a group that has members from Lebanon Township or a member of the Township Committee.

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 Clerk are directed to post on the Agenda for public Meetings topics for debate and potential action advocating positions of public policy interest to residents of Lebanon Township that are outside the scope of jurisdiction established by statute for the Township, and

BE IT FURTHER RESOLVED that the Committee of the Township of Lebanon authorizes the use of Township personnel and funds for the research and preparation of materials for Committee consideration and potential action in advocating for positions outside the scope of jurisdiction established by statute for the Township.

OLD BUSINESS

Appointment of Police Chief

Mr. Laul stated that four members of the Police Department were interviewed for the Police Chief's positions. The Committee decided that Sergeant Jason Cronce is well suited to fill the position. Mr. Laul stated that Sergeant Cronce has signed the Police Chief's contract.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee appointed Sergeant Jason Cronce as Police Chief, effective the close of the day, April 30, 2021 and authorized the Mayor to sign the Chief's contract.

Email Upgrade Contract

Mayor Schmidt stated that an upgrade to the email system is a high priority and a contract has been provided to the Committee. Mr. Barberio said that he spoke with the IT Consultant and if all goes well the Township will be able to retain the lebtwp.net account. Mr. Barberio stated that the labor will include installing Microsoft 365 on all computers and upgrading the email accounts.

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a contract with Lift-Off for 60 email accounts at an annual cost of \$2280.00.

Discussion was held on providing volunteers with email accounts.

Cannabis Regulations – Ordinance Discussion

Mayor Schmidt said that at the last meeting he and Mr. Abuchowski were appointed as the Cannabis subcommittee. They gave direction to the Township Attorney and he prepared a draft ordinance for the Committee's consideration.

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Mayor Schmidt noted that there is no action needed this evening but the Committee should come to a consensus that the ordinance reflects their position on the legislation. The ordinance will then be provided to the Planning Board for review. The Committee will then have a joint meeting with the Planning Board to receive their comments.

Mayor Schmidt said that the Planner reached out to review the proposed ordinance and he thought that it was well written.

Attorney Lyons provided an overview of the proposed ordinance. Discussion was held.

The proposed ordinance will be provided to the Planning Board tomorrow and a joint meeting is to be had. Possible dates need to be coordinated with the Planning Board Clerk.

NEW BUSINESS

DPW Manager's Request to Advertise for Seasonal Employees

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to advertise for, up to two seasonal employees, at a salary of \$17.50 per hour. Salary will come from the Clean Communities Grant. Employment will be June through September 1^{st.}

DPW Manager's Request to Seek Bids for Road Materials

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to seek Road Material bids for a 2-year bid cycle.

Police Chief's Request to Purchase Motorola Watchguard Body Cameras

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase Motorola Watchguard Body Cameras, operation software and training under State Contract No. T010617-FLEET-00793, at a cost of \$39,475.00 for a 5-year period, subject to final confirmation of State Contract No. and Certification of Funds from the CFO.

Historian's Request to Appoint a New Member

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee appointed Jeanne Van Duzer-Lang to the Historian Committee.

Park Dumpster

Mr. Laul stated that last year the Committee canceled the 6-yard dumpster in the Park. This year the Park Committee would like one placed back in the Park but recognizes that they do not need the 6-yard. Mr. Laul reached out to Republic Services and LMR Disposal and received quotes from each. LMR provided the lower price.

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Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the contract from LMR Disposal for a 4-yd. dumpster to be placed in the park at a cost of \$145 per month.

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 April 7, 2021 bill list in the amount of \$64,148.63.

CORRESPONDENCE

- a. Recycling Coordinator Memo 2021 Shredding Event September 18, 2021
- b. Curators 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 9:38 p.m.

Ms. Evelyn Alverez provided her thoughts and experiences with the medical component of cannabis.

Mr. Adam Duckworth commented on the email system and agenda planning.

Ms. Laramie Silber provided comments on recreational and medical marijuana.

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 9:56 p.m.

EXECUTIVE SESSION - Resolution No. 45-2021

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2021 and convened in executive session at 9:56 p.m. No Action is anticipated.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 45-2021
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;
X_ 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.)
American Tower Request - Municipal Complex Cell Tower
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:
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.

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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.

ADJOURNMENT

Having no further business to come before the Committee, a motion was made by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote to adjourn the meeting at 10:12 p.m.

Respectfully submitted,	
Karen J. Sandorse, RMC/CMC Municipal Clerk	
Approved: May 5, 2021	Mike Schmidt, Mayor