

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
June 16, 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 Abe Abuchowski
 Marc Laul Beverly Koehler (via telecom)

Absent-

Also Present - Administrator James Barberio, Attorney Matt Lyons, Deputy Clerk Kimberly Jacobus and 5 member of the audience.

PRESENTATION OF MINUTES

Minutes of the May 19, 2021 - Regular & Executive Meeting (Tabled)

Minutes of the June 2, 2021 - Regular & Executive Meeting

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted the June 2, 2021 Regular and Executive Session minutes.

PUBLIC COMMENTS – for agenda items only.

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

Ron Milkowski, Rocky Run Road, stated that he thought the loader grant was completed and filed. Mr. McKee stated that a few items need to be straightened out between the Township and the DEP regarding the loader grant. Mr. Milkowski also wanted to know what the contract negotiations were for. Mayor Schmidt stated that the Township has been approached by American Tower for AT&T to be a co-locator.

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

PROCLAMATIONS

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee endorsed the proclamation for Eric Axelsen.

TO ERIC AXELSEN FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Eric Axelsen, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Eric Axelsen is to be commended for his Eagle Scout Service Project, which involved designing and constructing of a bullpen at the Voorhees High School Baseball Stadium; and

WHEREAS, due to Eric's efforts, the Vikings Baseball Team, which Eric is a member, will have the privilege of using the bullpen at the stadium as well as the other community teams; and

WHEREAS, Eric Axelsen will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 21, 2021; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Eric Axelsen.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Eric Axelsen for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee endorsed the proclamation for Harry Spurduto.

TO HARRY SPERDUTO FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Harry Sperduto, Boy Scouts of America, Troop 92, attained the designation of “Eagle Scout”; and

WHEREAS, Harry Sperduto is to be commended for his Eagle Scout Service Project, which involved designing and constructing an Outdoor Garden and Planting Center at the Valley View School, and

WHEREAS, due to Harry’s efforts, the students are now able to learn in an outdoor, hands-on setting, which will promote overall good health and wellness while connecting with nature; and

WHEREAS, Harry Sperduto will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 21, 2021; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Harry Sperduto.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Harry Sperduto for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

RESOLUTIONS

Resolution No. 59-2021 – Certification of the Annual Audit

Motion by Mr. Abuchowski, seconded by Mr Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 59-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 59-2021

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified

Resolution No. 60-2021 – Plenary Retain Consumption License Renewal – El Patron

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 60-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 60-2021
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2021-2022 year:

1019-33-003-005 El Patron Mexican Restaurant LLC

**Resolution No. 61-2021 –Plenary Retail Consumption License Renewal-
The New Hampton Inn**

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 61-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 61-2021
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, the below listed Plenary Retail Consumption Licensee has submitted application forms that have been completed in all respects; and

WHEREAS, the applicant has qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the licensee has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2021-2022 year:

1019-33-005-002 THE NEW HAMPTON INN, INC. t/a New Hampton Inn

OLD BUSINESS

Lebanon Township Fire Department Request for 2021 Donation

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the 2021 Donation to the Lebanon Township Fire Department in the amount of \$95,000.00.

Loader Grant Application

The Business Administrator has spoken to a representative at the DEP. The Township wants to purchase the 544P Loader. If it is purchased ahead of time or the Township puts any money down for it, it could kill the grant. The application and signatures will take about 2-4 weeks. The DEP stated that the Township can start the purchase order process. The Business Administrator stated that he would notify the DPW Director that he can proceed with the purchase order.

End of COVID Emergency Procedures

As of July 4 all COVID emergency procedures will end. The Committee discussed whether they should continue with the call-in option for the meetings or go back to the way the meetings had been in the past.

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the following; given that the Governor orders have ended, the Committee will go back to “business as usual” and meetings will be held in person and there will be no phone dial-in for the public.

Recycling Fees

Mayor Schmidt followed up with Recycling Coordinator JoAnn Fascenelli to get more details on the tire and A/C recycling information. Discussion was held regarding if there should be a fee charged for tires and AC units. The Committee decided to limit the number of tires allowed, 4 per household and no charge, as well as no charge for A/C units.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the policy for 2021 to continue to accept without charge for residents only, Freon containing units and for tires recycling, to accept without charge, four (4) tires and anyone with more than 4 tires, by appointment.

Cannabis Ordinance Update

Mayor Schmidt and Mr. Abuchowski are the sub-committee for the Cannabis Ordinance. They have looked at ordinances in the surrounding areas. Various towns are allowing everything and others are allowing nothing. The easiest thing for the Township would be is to not allow Class 1 through Class 6. The Township does have something going for it in that the Township could allow Class 5 and 6 in the B2 Zone, the Township’s Business District, which is at the very edge of the Township on Route 31. Because Route 31 is a corridor, it offers an opportunity for the Township to make some money.

Ms. Koehler is taking the Opt-out position. Discussion was held on various options including Medical Dispensaries as well as Cannabis Micro Businesses.

Attorney Lyons is going to prepare for introduction at the July 7th meeting, 2 separate ordinances, one for the Conditional Use in the B2 Zone for Classes 5 and 6 and the second for the banning of all categories. Ms. Koehler stated for the record that the Township should ban all of the classes for now. Attorney Lyons stated that it would be one of the options.

ADMINISTRATOR’S REPORT

IT

The Business Administrator spoke to the IT consultant regarding the email switch over from My Corp.Hosting. He said the exchange service is fully in progress and all emails are going back and forth. Mr. Barberio also told him to purchase the Microsoft Office to get the computers up to date.

LOSAP

Mr. Barberio had a meeting with a LOSAP representative. He found out some history. When LOSAP was first originated, Lebanon Township was one of the towns that started it all. Mr. Barberio wanted to get some history and the rules and regulations. At the next meeting, LOSAP will be in Executive Session.

Hazardous Mitigation

Hunterdon County has the Hazardous Mitigation plan. And it is complete. Mr. Barberio stated that he has been looking over the American Rescue Plan, which is the Corona Virus State and Local Fiscal plan. Mr. Barberio is going to set up a meeting with the Engineer, DPW Supervisor and going to speak to the CFO to see what the Township's eligibility is.

NEW BUSINESS

Recreation Commission Member Resignation

Jill Davis of the Recreation Commission has submitted her resignation.

Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee accepted Jill Davis' resignation from the Recreation Commission with regret.

Newsletter Policy

Ms. Koehler has concerns with the newsletter regarding anyone owning a business submitting an article for publication. Attorney Lyons stated that they can, provided they are not making direct solicitation for business. Discussion was held regarding the Newsletter policy procedure.

VOUCHERS

Committee Members provided a description of vouchers exceeding \$1,000.00.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the June 16, 2021 bill list in the amount of \$1,857,678.98.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of May 2021
- b. Animal Control Officer's Report for the Month of May 2021

PUBLIC COMMENTS

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

Ron Milkowski, Rocky Run Road, asked about the cost of the attorney's fee for the writing of the cannabis ordinances and payment of January vouchers.

Laramie Silber, Musconetcong River Road, gave an explanation of the Micro Licenses for cannabis.

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

EXECUTIVE SESSION Mechanic's Contract
 American Tower

No action is anticipated to be taken.

Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution 62-2021 Executive Session.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 62-2021**

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): **American Tower** 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. **DPW Mechanic Position**

_____ 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Laul seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 9:00 p.m. (as per Mayor Schmidt).

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: July 21, 2021

Mike Schmidt, Mayor