

Meeting audio can be found at lebanontownship.net.

**Lebanon Township Committee
July 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 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 30 members of the public.

PRESENTATION OF MINUTES

Minutes of the May 19, 2021 Regular Meeting and Executive Session Meetings

Motion by Mr. Abuchowski, seconded by Ms. Koehler, and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the May 19, 2021 Regular and Executive Session Meetings.

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

PUBLIC COMMENTS – for agenda items only.

Mayor Schmidt read two emails received from the residents regarding the proposed Cannabis ordinance.

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 at 7:09 p.m.

Members of the public provided their opinions on the positive and negative aspects of having a cannabis business located in Lebanon Township.

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 7:43 p.m.

ORDINANCES

Introductions

Ordinance No. 2021-07 – Cannabis

Mayor Schmidt stated that in February 2021 the State legalized marijuana. The legislation provides six different classes of licenses. Each municipality has the authority to permit each or any of the licenses in their community or to ban them altogether. If the Township takes no action the State has the ability to take control for five years with no Township participation. Mayor Schmidt noted that the Committee has had many discussions regarding the legislation and has met with the Planning Board to discuss it also. The overall consensus was to take some sort of action. Mayor Schmidt said that due to concerns with water impact, impacts to the aquifer, impacts on wastewater and traffic issues, the decision was made to ban Class 1-4 Licenses. The discussion is now, whether to allow a cannabis retail business and delivery in the Township, Class 5 and 6. The State has not given the Township the ability to stop or limit delivery to the homes in the Township. A retail business may be located in the B2 Zone along Route 31, Cregar Road to Glen Gardner, approximately 6,000 feet of roadway.

Mayor Schmidt stated that if the Committee were to ban all Classes, they do have the ability to make changes in the future. However, there is the possibility of all available licenses being placed in other municipalities and Lebanon Township losing out on the revenue.

Mayor Schmidt stated that at the last meeting the sub-committee and Township Attorney were directed to prepare two draft ordinances; one to allow retail limited to the B2 Zone. With a 6,000 stretch, only three retailers would be permitted in the Zone as there is a requirement that they cannot be within 1500 feet from each other. In addition, the retailer may not be within 1000 of any residential property. Mayor Schmidt stated that due to a mix of residential and businesses along the 6,000 feet stretch of Route 31 it would be difficult to meet the setback requirements. Mayor Schmidt stated; however, that in permitting the Class 5 License it will provide the opportunity for a retailer to find a suitable location.

Mayor Schmidt stated that the second ordinance proposes to ban all Cannabis Classes in the Township.

Ms. Koehler stated that she would like to opt out because that Cannabis Commission has yet established rules. The Committee does not know how much control the Commission will have over businesses in the Township. Permitting a retailer into the Township, at this time, will be a five-year

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commitment. Retailers will be grandfathered, with no recourse for the Township if problems should develop.

Mr. Abuchowski stated that originally, he was not in favor of Class 1-4 Licenses but was considering Class 5. This was due to the small B2 Zone on Route 31 where the retailer would be limited to. Mr. Abuchowski noted that with research being conducted and with the realization that no business could be situated in the Zone, due to set backs, he also is in support of opting out.

Mr. Laul stated that permitting the Class 5 License in the Township would be a nightmare for the Planning and Zoning Board due to the amount of property in the B2 Zone. There is no real place to put such an establishment. Mr. Laul said he sees no value in moving forward without the rules.

Attorney Lyons stated that the ordinance will protect the Township from any of the six Classes being permitted in the Township. The Township will be able to opt-in at any time.

Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-07, on first reading as entitled below, with the option to opt-in at any time when research has been conducted and information has been received on how this has worked out in other communities.

No action will be taken on the draft ordinance permitting Class 5 and 6 in the Township.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-07
PROHIBITING THE OPERATION OF
ALL CLASSES OF CANNABIS BUSINESSES
WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION
OF LEBANON TOWNSHIP CODE 400-9(A-C)

Hearing to be held on August 18, 2021

Ordinance No. 2021-08 – Signs

Mayor Schmidt noted that the Township's current Sign Ordinance would not stand up to challenge in the Courts specifically in relation to election signage. Attorney Lyons has drafted an ordinance that is in compliance with the ACLU and permits placement of signs in certain areas of the Township.

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2021-08, on first reading as entitled below. AYES: Laul, Abuchowski, Schmidt NAYS: McKee, Koehler

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-08
AN ORDINANCE AMENDING CHAPTER 400-13 ENTITLED "SIGNS," OF MUNICIPAL
CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Public Hearing to be held on August 18, 2021

Ordinance No. 2021-09 – Highlands

Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2021-09, on first reading as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2021-09

AN ORDINANCE AMENDING CHAPTER 230 - "HIGHLANDS," CHAPTER 330 -
"SUBDIVISION OF LAND," CHAPTER 400 - "ZONING," AND CHAPTER 45 - "LAND
USE PROCEDURES," OF MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Public Hearing to be held on August 18, 2021

RESOLUTIONS

Resolution No. 63-2021- Redemption of Tax Sale Certificate - #201806

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 63-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 63-2021
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201806 on
September 21st 2018 to Light Properties, LLC,

WHEREAS the amount of \$8,150.17 has been collected from the property owner for
Block 57 Lot 36, 102 Mountain Top Road, Glen Gardner, for the redemption of Tax Sale
Certificate #201806,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the
Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$8150.17 to Light
Properties, LLC for the redemption amount and an additional check for \$100.00 for the premium
monies collected at tax sale.

Light Properties, LLC
328 Amboy Avenue
Metuchen, NJ 08840

Resolution No. 64-2021- Redemption of Tax Sale Certificate - #20-2

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 64-2021 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 64-2021

REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #20-2 on November 19th 2020 to Christiana T C/F CE1/ FIRSTRUST,

WHEREAS the amount of \$7,652.14 has been collected from the property owner for Block 24 Lot 27, 349 Route 513, Califon, for the redemption of Tax Sale Certificate #20-2,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$7,652.14 to Christiana T C/F CE1/FIRSTRUST for the redemption amount and an additional check for \$10,000.00 for the premium monies collected at tax sale.

Christiana T C/F CE1/FIRSTRUST
P.O. Box 5021
Philadelphia, PA 19111-5021

OLD BUSINESS

Appraisal for Project Whitehall Preservation

Mayor Schmidt stated that more than a year ago the Committee agreed to the preservation of properties on Hill Road between the Red School House and the corner of Hickory Run Road. There are four existing building lots and the owner has offered to separate another 1.5 acres. The funding for the acquisition will come from a Highlands Grant, Federal Preservation Grant and a Green Acres Grant, which will cover 90% of the cost. There may be the need to use Township Open Space Funds also.

All procedures for the appraisal requirements have been met for the Highlands Grant, the Federal Grant and the Green Acres Grant. New Jersey Water Supply Authority has agreed to pay half of cost for the appraisal for the properties.

Quotes were requested from three different appraisers with only one proposal being submitted.

Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved engaging Norman J. Goldberg to appraise the properties for project Whitehall at a cost of \$3000.

NEW BUSINESS

Historian Laurie Hoffman – Request for Memorial Bench - Tabled

PRESENTATION OF VOUCHERS

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

Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the July 7, 2021 bill list in the amount of \$ 1,233,319.82.

CORRESPONDENCE

- a. Police Report for the Month of May 2021
- b. Curator's Report

PUBLIC COMMENTS

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 at 8:15 p.m.

Mr. Ron Milkowski questioned if there are actually four building lots relative to the Whitehall Acquisition. He believes that they may not be buildable.

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 8:17 p.m.

EXECUTIVE SESSION

Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 65-2021 and convened in executive session at 8:18 p.m. Action may be taken on a LOSAP matter.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 65-2021**

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. **DPW Mechanic Position – LOSAP Matter**

_____ 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 Committee reconvened the public meeting at 8:47 p.m. No action was taken.

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 8:48 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 20, 2021

Mike Schmidt, Mayor