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**[Timestamp in blue.](#)**

**Lebanon Township Committee  
February 1, 2023**

**Minutes of Regular Meeting**

## **CALL TO ORDER**

Mayor Beverly Koehler 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.

Mayor Koehler stated that National Boy Scout Day is coming up. She informed all of a Boy Scout Klondike Event that was held in the park this past weekend.

## **FLAG SALUTE**

Mayor Koehler asked everyone to please stand for the Flag Salute and for a moment of silence in honor of the First Responders, Front Line Workers and Military Personnel.

## **ROLL CALL**

Present -                      Beverly Koehler              Thomas McKee  
   Mike Schmidt                      Abe Abuchowski              Brian Wunder

Absent-

Also Present - Attorney Mark Roselli, Clerk Karen Sandorse, and 35 members of the public.

## **PRESENTATION OF MINUTES**

**2:05**

### **Minutes of the Special and Special Executive Session Meetings of November 30, 2022**

*Motion by Mr. Abuchowski, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved the minutes of the Special and Special Executive Session Meetings of November 30, 2022. AYES: Schmidt, McKee, Abuchowski, Koehler ABSTAIN: Wunder*

### **Minutes of the Special and Special Executive Session Meetings of December 14, 2022**

*Motion by Mr. McKee, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee approved the minutes of the Special Meeting of December 14, 2022 AYES: Schmidt, McKee, Abuchowski, Koehler ABSTAIN: Wunder*

*Motion by Mayor Koehler, seconded by Mr. Schmidt and carried by favorable roll call vote, the Township Committee tabled the December 14, 2022 closed session minutes for clarification. To be discussed in closed session at the next meeting. AYES: Schmidt, McKee, Abuchowski, Koehler ABSTAIN: Wunder*

### **Minutes of the Regular and Executive Session Meetings of December 21, 2022**

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by favorable roll call vote, the Township Committee approved the minutes of the Regular and Executive Session Meetings of December 21, 2022. AYES: Schmidt, McKee, Abuchowski, Koehler ABSTAIN: Wunder*

### **Minutes of the Reorganization Meeting of January 4, 2023**

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved the minutes of the Reorganization Meeting of January 4, 2023. AYES: McKee, Wunder, Koehler ABSTAIN: Schmidt, Abuchowski*

### **Minutes of the Regular and Executive Session Meetings of January 18, 2023**

*Motion by Mr. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Regular and Executive Session Meetings of January 18, 2023.*

### **PUBLIC COMMENT – Agenda Items Only**

**7:48**

*Motion by Mr. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:06 p.m.*

There were no comments from the public.

*Motion by Mr. Schmidt, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:06 p.m.*

### **ORDINANCES**

**8:44**

#### **Ordinance No. 2023-01 – CAP**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2023-01 was opened.*

There were no comments from the public.

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2023-01 was closed.*

*Motion by Mr. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2023-01 as written below.*

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON  
ORDINANCE NO. 2023-01  
CALENDAR YEAR 2023

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 2.5% 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 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 2023 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 \$49,725.54 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 2023 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 \$174,039.39, and that the CY 2023 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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**

**10:31**

**Resolution No. 29-2023 –Return of Overpayment of Taxes – Blk 67 Lot 1**

*Motion by Mr. Abuchowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 29-2023 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 29-2023  
RETURN OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$3,889.25 for Block 67 Lot 1, 37 Forge Hill Road, Assessed to David White and Lauren Sullivan, overpayment due to the residents' mortgage company making a property tax payment on a "Tax Exempt" property due to the owner being a 100% disabled veteran, and,

WHEREAS this amount has been requested to be refund by the Tax Collector on behalf of David White whose mortgage company submitted the overpayment,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$3,889.25 to:

David White  
37 Forge Hill Road  
Glen Gardner, NJ 08826

**Resolution No. 30-2023 –Cancellation of Taxes – Blk 33 Lot 5.01**

*Motion by Mr. Schmidt, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2023 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 30-2023  
CANCELATION OF TAXES

WHEREAS there exists tax balances for 3<sup>rd</sup> and 4<sup>th</sup> quarter 2022 taxes and 1<sup>st</sup> and 2<sup>nd</sup> quarter 2023 taxes to be cancelled due to the granting of a 100% disabled veteran tax exemption Block 33, Lot 5.01, 79 Mount Kipp Road, assessed to Robert and Melissa Busch and,

WHEREAS the amount of \$6,861.83 has been requested to be cancelled by the Tax Collector on behalf of the Township of Lebanon,

THEREFORE BE IT RESOLVED that the Township Committee be authorized to cancel open taxes in the amount of \$6,861.83

**Resolution No. 31-2023 - Forest Management Agreement with NJA**

Attorney Roselli stated that he reviewed the Agreement and has made some suggested revisions. He forwarded to the Audubon for their comments. He has not heard back from them at this time.

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee tabled Resolution No. 31-2023 until the Audubon responds to Attorney Roselli.*

**Resolution No. 32-2023 - Rescinding Resolution No. 20-2023 Entering into Statewide Fund**

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2023 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 32-2023  
RESOLUTION RESCINDING RESOLUTION NO. 20-2023

WHEREAS, the Township Committee of Lebanon Township adopted Resolution 20-2023 at the January 4, 2023, Township Committee meeting, which said resolution approved the Township's membership in the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.* for the term of January 1, 2023 to January 1, 2026; and

WHEREAS, subsequent to the adoption of Resolution 20-2023, the Township Clerk was advised by the Township's Insurance Agent that the Township's existing agreement with the FUND does not expire until January 1, 2024 at 12:01 a.m.; and

WHEREAS, because the Township is currently a member of the FUND, the adoption of Resolution 20-2023 is not required and therefore the Township Committee desires to rescind said resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that Resolution No. 20-2023 be and is hereby rescinded.

**Resolution No. 33-2023 –Purchase of (4) Police Body Worn Cameras**

*Motion by Mr. Wunder, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2023 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 33-2023  
PURCHASE OF 4 BODY WORK CAMERAS

WHEREAS, the Township of Lebanon wishes to purchase 4 Body Worn Cameras under the State of New Jersey Purchasing Contract;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Motorola Solutions has been awarded Contract 17-FLEET-00793; and

WHEREAS, the actual cost for the Body Worn Cameras is \$2352.00 each and expected not to exceed a total amount of \$11,760.00; and

WHEREAS, the Chief Financial Officer has certified the availability of fund within the Capital Budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that Motorola Solutions be awarded the contract for the Body Worn Cameras.

## **UNFINISHED BUSINESS**

**16:00**

### **Appointment of Environmental and Open Space Member Unexpired Term – 12/31/2023**

Mayor Koehler appointed Ms. Linda Ryan to the Environmental Open Space Commission, term expiring 12/31/2023.

### **Appointment of Planning Board Member Class IV Member That is Both a Member of the Planning Board and the EOSC Term Expires 12/31/2023**

Mayor Koehler appointed Ms. Linda Ryan to the Planning Board as a Class IV Member, term expiring 12/31/2023.

### **Municipal Office Cherry Trees**

Mr. Wunder has marked 6 Cherry Trees on the Municipal Office property that are in poor condition or split. The DPW Manager said that his department can handle taking them down.

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee authorized the removal of the Cherry Trees.*

### **Municipal Office Doors**

Four years ago, the Township received a quote from Opdyke Lumber, in the amount of \$22,630.76, to replace the meeting room and main entrance doors. Due to a number of issues the doors were not received or installed. Opdyke is now able to honor the proposal at the same price. The money to cover the cost is in the budget and as this is a delayed transaction there is no need to take further act.

## **NEW BUSINESS**

**27:19**

### **Appointment of Liaison to Engineering**

Mayor Koehler appointed Mr. McKee as Liaison to Engineering.

**Website – Ordinance Posting**

*Motion by Mr. Schmidt, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved posting on website, resolutions, draft ordinances and other agenda packet documents that are appropriate for release to the public in advance of the meeting.*

**Well Test Event – May 6<sup>th</sup> and May 8**

Ms. Kathryn Koch informed the Committee that the annual Well Test Event will be held at the Municipal Office, from 9:00 a.m. to 12:00 p.m., May 6th for pickup of kits and May 8th for drop off.

**Approve Trailer Park License – Camelot at Spruce Ridge**

*Motion by Mr. Schmidt, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved a Trailer Park License for Camelot at Spruce Ridge for the 2023 year.*

**Municipal Office Lunch Hour**

*Motion by Mr. Schmidt, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee tabled the matter to a later meeting.*

**Green Acres Open Space Funding**

Mr. Schmidt said that in regard to the Green Acres Open Space Funding, the State has a March 1<sup>st</sup> application deadline for Supplemental Grants. For the next meeting agenda, February 15, 2023, he will be bringing documentation and information for applying for additional Green Acres Funding.

**PRESENTATION OF VOUCHERS -**

**51:00**

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

*Motion by Mr. Schmidt, seconded by Mr. Abuchowski carried by unanimous favorable roll call vote, the Township Committee approved the February 1, 2023 bill list in the amount of \$ 211,253.54*

**CORRESPONDENCE**

**55:02**

- a. Minutes of the LT EOSC – May 2022, July 2022, August 2022, September 2022, November 2022, December 2022

**PUBLIC COMMENTS**

**55:22**

*Motion by Mr. Wunder, seconded by Mr. Abuchowski carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:55 p.m.*

Comments were received on the NAR Group applying for Wetlands Delineation, the efforts of the DPW in addressing the Ash Tree problem, the Cherry Trees at the Municipal Office, well testing at the Township facilities, how Township funds should be spent for Township events and grant money received for roadwork.

*Motion by Mr. Abuchowski, seconded by Mr. Schmidt and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:08 p.m.*

*Motion by Mr. Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee reopened the Public Comment portion of the meeting at 8:08 p.m.*

Comments were received on the NAR Group property, who determines who receives notices of things being done on neighboring properties, a DEP letter received by residents regarding the NAR Group, the municipal office Cherry Trees, notices being posted on the website, the Administrator matter, property owners concern with possible problems in building on their property, concerns with Hickory Run Road, the NAR Group, Ash Trees and Federal funding where marijuana facilities are located.

*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 at 8:49 p.m.*

## **EXECUTIVE SESSION**

**1:48:58**

Action is not anticipated.

*Motion by Mr. Abuchowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 34-2022 and convened in executive session at 8:49 p.m.*

Clerk Sandorse left the meeting.

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 34-2023**

**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; (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.

**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.

Mr. Schmidt left the Executive Session meeting at 9:40 p.m.

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee reconvened the public meeting.*


**ADJOURNMENT**

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

Respectfully submitted,



Karen J. Sandorse, RMC/CMC  
Municipal Clerk

  
Beverly Koehler, Mayor

Approved: February 15, 2023