

Meeting audio can be found at lebanontownship.net.

Timestamp in blue.

**Lebanon Township Committee
December 21, 2022**

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, Servicemen and Women, people of the Ukraine

ROLL CALL

Present - Mike Schmidt Thomas McKee Beverly Koehler
 Guy R. Wilson Abe Abuchowski

Absent-

Also Present - Attorney Matt Lyons, Clerk Karen Sandorse, and 38 members of the public.

PRESENTATION OF MINUTES

:56

Minutes of the Regular Meeting of October 5, 2022

The Mayor made a statement regarding the policy of the minutes. He provided a proposal to revise the October 5, 2022 minutes as written by the Clerk.

Mr. Wilson made a motion to approve minutes as revised by Mayor Schmidt. No second, motion failed.

Mayor Schmidt made a motion to include Ms. Robbie-Lynn’s Mwangi’s complaint letter into the minutes, verbatim. No second, motion failed.

Minutes tabled.

Minutes of the Regular Meeting of November 2, 2022

Motion by Mr. Wilson 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 November 2, 2022.

Minutes of the Regular Meeting of November 16, 2022

Motion by Mr. Wilson 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 November 16, 2022.

Minutes of the Regular and Executive Session Meetings of December 7, 2022

December 7, 2022 Executive Session Minutes tabled.

Motion by Mr. Abuchowski, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Regular Meetings of December 7, 2022.

Minutes of the Regular and Executive Session Meeting of October 19, 2022

Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the minutes of the Regular and Executive Session Meetings of October 19, 2022.

PUBLIC COMMENT – Agenda Items Only

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:29 p.m.

Ms. Sharon Petzinger commented on the public comments during a meeting.

Mr. Victor Hoffman asked questions about DPW and the Fire Department purchase requests.

Motion by Mr. Abuchowski, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:33 p.m.

RESOLUTIONS

Resolution No. 104-2022 - Return Overpayment of Taxes – Langner /5 Harber Drive

Motion by Mr. Wilson, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 104-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 104-2022
RETURN OVERPAYMENT OF TAXES

WHEREAS, there exists an overpayment of \$7573.72 for 3rd and 4th quarter taxes, due to the granting of a 100% Disabled Veteran Deduction which deemed this parcel TAX EXEMPT for Block 61, Lot 23.02, 5 Harber Drive, Glen Gardner, assessed to Laura & Bogdon Langner and,

WHEREAS, this amount has been requested for refund by the Tax Collector on behalf of Laura Langner who 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 \$7573.72 to:

Langner, Laura
5 Harber Drive
Glen Gardner, NJ 08826

Resolution No. 105-2022 - Budget Transfers

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 105 -2022 as written attached.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 105-2022
TRANSFERS

Resolution No. 106-2022 - Support of Proposed Senate Bill No. 861 Allowing Municipalities to Conduct Annual Events for Open Burning of Christmas Trees

Motion by Mr. Wilson, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 106-2022 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 106-2022
RESOLUTION IN SUPPORT OF PROPOSED SENATE BILL NO. 861 ALLOWING
MUNICIPALITIES TO CONDUCT ANNUAL EVENTS FOR OPEN BURNING OF CHRISTMAS
TREES.

WHEREAS, for many years, the Township of Lebanon (Township) has held an annual holiday gathering known as Fire and Ice where open burnings (bonfires) were conducted using discarded Christmas trees under the watchful eyes of the Township of Lebanon Volunteer Fire Department; and WHEREAS, Great music, food, and entertainment for children and adults served as an excellent complement to the bonfire on a cold winter night; and WHEREAS, this event was enjoyed by thousands of residents over the years and is a wonderful community event for all that attend; and WHEREAS, by holding this successful event, it also allowed the Township to utilize the trees as fuel for the bonfire rather than have them disposed of through traditional solid waste means and be brought to a landfill; and

WHEREAS, many years ago, the New Jersey Department of Environmental Protection, Division of Air Quality (NJDEP) advised municipalities that opening burning events where Christmas trees were utilized were now prohibited as they considered these trees "rubbish", which was prohibited from being burned in this fashion; and

WHEREAS, since the inception of this enforcement action by NJDEP, the Township was no longer able to burn Christmas trees at our annual holiday event and was forced to utilize other material that was not deemed "rubbish" by the NJDEP; and

WHEREAS, Senate Bill No. 861 is being considered by the New Jersey Legislature that permits NJDEP to establish rules, regulations, and standards for the open burning of Christmas trees by municipalities within the State, and would permit municipalities to conduct annual events for open burning of Christmas trees.

NOW, THEREFORE BE IT RESOLVED, that the Committee of the Township of Lebanon supports the bill being proposed in order to ensure that the Township, as well as all other municipalities in the State, are permitted to hold an annual holiday bonfire fueled by discarded Christmas trees in a safe and enjoyable manner.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael Doherty, Assemblymembers John DeMaio and Erik Peterson, the Hunterdon County Commissioners and Governor Phil Murphy.

Resolution No. 107-2022 - Authorizing Member Participation in a Cooperative Pricing System and Entering into a Cooperative Pricing Agreement – Hunterdon ESC

Motion by Ms. Koehler seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 107-2022 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 107-2022

AUTHORIZING MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM AND
ENTERING INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on December 21, 2022 the governing body of the Township of Lebanon duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

1. TITLE. This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Lebanon
2. AUTHORITY. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Committee of the Township of Lebanon hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

3. CONTRACTING UNIT. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

UNFINISHED BUSINESS

Audio #2

Hunterdon County Education Services Commission- Technology Support Services Agreement

Ms. Koehler provided the Committee with a complete overview of the Support Service Agreement proposal provided by the ESC. Ms. Koehler suggested that the representative from the ESC attend a meeting to answer questions the Committee has on the Technology Upgrade proposal.

Mr. McKee informed the Committee of issues the DPW Manager is having with his computer.

Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by favorable roll call vote, the Township Committee entered into the Technology Support Services Agreement with the Hunterdon County ESC at a cost of \$1000/month for the items listed in the Agreement as regular support with as-needed onsite support being billed at the rate of \$98.00/hour. AYES: McKee, Abuchowski, Koehler, Schmidt ABSTAIN: Wilson

Motion by Ms. Koehler, seconded by Mr. Wilson and carried by favorable roll call vote, the Township Committee approved the ESC proposal for the DPW for the experts to speak with the DPW Manager to see what his needs are, not to exceed \$2100. Subject to certification of funds from the CFO. AYES: McKee, Abuchowski, Koehler, Wilson NAYS: Schmidt

RK Environmental -

The Committee discussed outstanding invoices from RK Environmental.

Motion by Mr. Abuchowski, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved Mr. Wilson reaching out to RK Environmental to say that the Township is ready to pay provided the Township receives the reports of work done.

NEW BUSINESS

31:15

DPW Managers Request to Purchase a Street Sweeper Hopper

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Managers request to purchase a Street Sweeper Hopper from Timmerman Equipment at the cost of \$15,793.14 and \$3500.00 for shipping. Cost will be paid through the 2021 the Clean Communities Grant (\$4139.10) the 2022 Clean Communicates Grant (\$6864.19) and the 2022 DPW Operating Budget (\$5789.85). As the Hopper is replacing a

specific Pelican Sweeper it is only available through one vendor. Funds have been certified by the CFO.

Fire Departments Request to Purchase 2022 Ford F350 Super Cab 4x4 Pick up

Mr. McKee read a letter from the Township's Qualified Purchasing Agent authorizing the purchase of pick up truck, with an attempt to receive a quote, as the Co-op and State Contract vendors are having supply chain issues and it is an emergency vehicle.

Motion by Mr. Abuchowski, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Department's request to purchase a 2022 Ford F350 Super Cab 4x4 Pick up through Ciocca Ford of Flemington at a cost of \$41,767.00 which will be paid through the Capital Budget. The voucher will be listed on the January 18, 2023 bill list.

PRESENTATION OF VOUCHERS -

35:27

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

Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved the December 21, 2022 bill list in the amount of \$116,602.72 AYES: McKee, Abuchowski, Koehler, Schmidt ABSTAIN: Wilson

CORRESPONDENCE

38:36

- a. Curator's Report
- b. November Police Report 2022
- c. Planning Board Clerk Memo-2023 Terms

PUBLIC COMMENTS

40:57

Motion by Mr. Abuchowski, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:50 p.m.

Mr. Brian Wunder commented on the RK Environmental matter.

Ms. Laurie Hoffman made comments on the upcoming year and the Mayor.

Motion by Mr. Abuchowski, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:54 p.m.

Mr. Wilson stated that the \$750,000 grant for various road improvements will be voted on by the Senate by Friday.

EXECUTIVE SESSION

48:24

No action to be taken.

Motion by Mr. Abuchowski, seconded by Ms. Koehler and by unanimous favorable roll call vote, the Township Committee approved Resolution No. 108-2022 and convened in executive session at 8:56 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 108-2022
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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Abuchowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting 9:52 p.m.

Respectfully submitted,



Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 1, 2022



Mike Schmidt, Mayor