

**TOWNSHIP OF LEBANON
COMMITTEE MEETING
REGULAR MEETING MINUTES**

**April 17, 2024
7:00 p.m.**

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 as a courtesy posted on the Township website. Official action will be taken at this meeting.

FLAG SALUTE AND MOMENT OF SILENCE

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

ROLL CALL

The following officials were present:

Mr. Abe Abuchowski
Mr. Jay Wojcik
Ms. Beverly Koehler
Mr. Brian Wunder
Mr. Tom McKee

Also present were:

Mr. Mark Roselli, Esq., Township Attorney
Mr. Bryce Good, PE, Township Engineer
Ms.Carolynn Budd, Township Clerk
18 Members of the Public

PRESENTATION OF MINUTES

4/3/2024 Regular Session Meeting Minutes
4/3/2024 Executive Session Meeting Minutes

Ms. Koehler asked for a motion to approve the 4/3/2024 Regular and Executive Session Meeting Minutes.

Motion to Approve: Mr. Wojcik
Second: Mr. McKee

Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

PUBLIC COMMENT – Agenda Items Only (limited to three minutes per speaker)

Ms. Koehler asked for a motion to open Public Comment.

Motion to Open: Mr. Wojcik
Second: Mr. McKee
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Public Comment: Ordinance No. 08-2024 tree species, use of Open Space funds, recycling dumpster, Historian’s Per Diem Request, Ordinance No. 06-2024 penalties.

Seeing and hearing no one else wishing to speak, Ms. Koehler asked for a motion to close Public Comment for agenda items only.

Motion to Close: Mr. Abuchowski
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

ORDINANCE FOR PUBLIC HEARING AND ADOPTION

NO. 06-2024 ORDINANCE AMENDING CHAPTER 327 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED “STORMWATER QUALITY” TO INCLUDE NEW ARTICLES II-VIII AND NEW §§327-5 TO 327-30 PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP OF LEBANON’S 2024 NJDEP MS4 PERMIT

WHEREAS, the Township of Lebanon is required by the State of New Jersey Department of Environmental Protection (NJDEP) to administer certain stormwater management requirements within the Township; and

WHEREAS, the State of New Jersey pursuant to N.J.A.C. 7:14A. on November 1, 2023 issued a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit to the Township of Lebanon as an operator of a Municipal Separate Storm Sewer System (MS4) within the State; and

WHEREAS, said NJPDES Permit is a renewal of the Township’s previous NJPDES permit with said new permit having an effective date of November 1, 2023; and

WHEREAS, the Township of Lebanon under said new permit is required to adopt certain ordinances to protect water resources within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that Chapter 327 within the Code of the Township of Lebanon entitled “Stormwater Quality” is hereby amended to include new Articles II-VIII and new §§327-5 to 327-30 for purposes of regulating Pet Waste, Wildlife Feeding,

Litter Control, Improper Disposal of Waste, Yard Waste Collection, Private Storm Drain Inlet Retrofitting and Privately Owned Salt Storage, in accordance with mandates from the New Jersey Department of Environmental Protection, as follows:

SECTION 1. Chapter 327 Stormwater Quality

1. Article II Pet Waste

2. §327-5 Purpose.

To establish requirements for the proper disposal of pet solid waste in the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

3. §327-6 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

IMMEDIATE

Means that the pet solid waste is removed at once, without delay.

OWNER/KEEPER

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

4. §327-7 Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

5. §327-8 Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

6. Article III Wildlife Feeding

7. §327-9 Purpose.

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

8. §327-10 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

9. §327-11 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township of Lebanon, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

10. Article IV Litter Control. Refer to Chapter 252 "Littering" of the Township Code.

11.

12. Article V Improper Disposal of Waste

13.

14. §327-12 Purpose.

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

15. §327-13 Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface,

is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

16. §327-14 Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Lebanon is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

17. §327-15 Exceptions to Prohibition.

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- F. Residential car washing water, and residential swimming pool discharges
- G. Sidewalk, driveway and street wash water
- H. Flows from firefighting activities
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment as noted in this situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

18. ARTICLE VI Yard Waste Collection Program.

19.

20. §327-16 Purpose.

To establish a yard waste collection and disposal program in the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

21. §327-17 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CONTAINERIZED

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Means leaves and grass clippings.

22. §327-18 Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

23. Article VII Private Storm Drain Inlet Retrofitting.

§327-19 Purpose.

To require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Lebanon so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

24. §327-20 Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lebanon or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

25. §327-21 Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless

the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in §327-22 below prior to the completion of the project.

26. §327-22 Design Standard.

Storm drain inlets identified in §327-21 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §327-22.C. below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

- C. This standard does not apply:

- (1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- (2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Article VIII **Privately Owned Salt Storage.**

§327-23 **Purpose.**

To prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Lebanon to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§327-24 **Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

DE-ICING MATERIALS

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

PERMANENT STRUCTURE

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

§327-25 **Deicing Material Storage Requirements.**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

- (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
- (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
- (4) Loose materials shall be covered as follows:
 - (a) The cover shall be waterproof, impermeable, and flexible;
 - (b) The cover shall extend to the base of the pile(s);
 - (c) The cover shall be free from holes or tears;
 - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
- (5) Containers must be sealed when not in use; and
- (6) The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15-April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§327-26 Exemptions.

- A. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.
- B. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 327-29 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 327-27 Violations and penalties and enforcement.

Any person who violates the terms of this Chapter 327 shall pay a fine of not less than \$1,500.00 but no more than \$7,500.00 plus court costs. This article shall be enforced by the Township 's Zoning Officer, the Township 's Sewer Administrator, or other Township personnel as may be assigned by resolution of the Township of Lebanon Committee.

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect after passage and publication in the manner provided by law.

Ms. Koehler asked for a motion to open Public Comment.

Motion to Open: Mr. Wojcik
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Public Comment: Reduce penalty fees.

Seeing and hearing no one else wishing to speak Ms. Koehler asked for motion to close Public Comment.

Motion to Open: Mr. Abuchowski
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

The Committee discussed penalties outlined within this Ordinance. Mr. Mark Roselli, Esq. noted the Enforcement Officer can, at the discretion, issue a summons prior to a penalty.

Ms. Koehler asked for a motion to adopt Ordinance No. 06-2024.

Motion to Approve: Mr. Abuchowski
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 07-2024 ORDINANCE AMENDING CHAPTER 252 “LITTERING” OF THE TOWNSHIP CODE

BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 252 of the Township Code entitled “Littering” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. Chapter 252 Littering

§ 252-1 Littering Prohibited. *No Changes*

§ 252-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LITTER

Any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 252-3 ~~Illegal dumping.~~ Prohibited acts and regulated activities.

- A.** It shall be unlawful for any person to **throw, discard, or dump, drop or otherwise place** along any street or road, on or off any right-of-way, **or upon public property**, any **litter of any nature, including without limitation, any** household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or on private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal, **including a litter receptacle.**
- B.** **Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this Chapter.**

§252-4 to §252-13 *No Changes*

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect after passage and publication in the manner provided by law.

Ms. Koehler asked for a motion to open Public Comment.

Motion to Open:	Mr. Wojcik
Second:	Mr. Wunder
Ayes:	Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Public Comment: Does this apply to vehicles, wildlife liter.

Seeing and hearing no one else wishing to speak Ms. Koehler asked for motion to close Public Comment.

Motion to Open: Mr. Wunder
Second: Mr. Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Ms. Koehler asked for a motion to adopt Ordinance No. 07-2024.

Motion to Approve: Mr. Abuchowski
Second: Mr. Wojcik
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

ORDINANCE FOR INTRODUCTION

NO. 08-2024 ORDINANCE AMENDING CHAPTER 349 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED “TREES” PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP’S 2024 NJDEP MS4 PERMIT

WHEREAS, the Township of Lebanon is required by the State of New Jersey Department of Environmental Protection (NJDEP) to administer certain stormwater management requirements within the Township, and

WHEREAS, the State of New Jersey pursuant to N.J.A.C. 7:14A. on November 1, 2023 issued a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit to the Township of Lebanon as an operator of a Municipal Separate Storm Sewer System (MS4) within the State, and

WHEREAS, said NJPDES Permit is a renewal of the Township’s previous NJPDES permit with said new permit having an effective date of November 1, 2023; and

WHEREAS, the Township of Lebanon under said new permit is required to adopt certain ordinances to protect water resources within the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 349 of the Township Code entitled “Trees” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. Chapter 349 Trees

§349-1. Purpose.

The Township Committee of the Township of Lebanon does herein decide and find that the indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land particularly on steep slopes and along stream corridors within the Township has resulted in creating increased municipal costs to control drainage and road repairs and has further caused increased soil erosion, decreased fertility of soils and increased dust, which has caused deterioration of property values. This has further rendered land unfit and unsuitable for their most appropriate use, with the result that there has been deterioration or will result in a future deterioration of conditions affecting the health, safety, and general well-being of the inhabitants

of the Township of Lebanon and has caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees, **replacement and penalties for noncompliance in the Township of Lebanon to protect the environment, public health, safety and welfare in the Township.**

A. §349-2. **Definitions.**

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely directory.

APPLICANT

Means any "person" as defined below, who applies for approval to remove trees regulated under this chapter.

DIAMETER AT BREAST HEIGHT (DBH)

Means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the downhill side of the tree.

ENFORCING OFFICE

The duly appointed officer that includes the Township Forester, Construction Code Official, Township Engineer, certified tree expert or other persons knowledgeable in these duties.

HOMEOWNER

Means a person(s) who owns a residence.

NUISANCE TREE

Means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or threatens public health, safety, and welfare.

PERSON

Means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

PLANTING STRIP

Means the part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PROFESSIONAL FORESTER

An individual recognized by the Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service as a New Jersey State approved forester.

STREET TREE

Means a tree planted in the sidewalk or a planting strip in the public right-of-way.

TREE

~~Any woody perennial plant, having a diameter greater than 10 inches, measured from a point 4 ½ feet above ground.~~ **Means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.** No person shall cut or remove any tree upon any lands within the Township of Lebanon, in the County of Hunterdon, unless the aforesaid accomplishes a cause in accordance with the regulations and provisions of this chapter.

TREE OF SIGNIFICANCE

Means any tree that is recognized by the municipal governing body or local historical organization(s) as being of significance due to its size, unique value, age, rarity, or the aesthetic, botanical, ecological, and historical value.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, and improper grading and/or soil compaction around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of tree treatments intended to manage invasive species.

B. §349-3. ~~Exceptions~~ Exemptions.

All persons shall comply with the tree replacement standard outlined below, except in the following cases. Justification shall be provided, in writing, to the municipality by all persons claiming an exemption:

- C. Single-family dwellings. Any tree located on a tract of land five acres or less in size where slopes do not exceed 25% on which a single-family dwelling has been erected. This chapter applies to all properties where slopes exceed 25% except for an exempt area of 100 feet in all directions from an existing residence.
- D. **Tree farms in active operation**, nurseries, **fruit orchards**, garden centers, etc. Any tree growing on property actually being used as a **tree farm**, nursery, garden center, Christmas tree plantation, or orchard.
- E. Land used for surface mining or public utilities. Any tree growing on land actually being used for surface mining or public utilities.
- F. Public right-of-way. Any tree growing in a public right-of-way as shown on an approved preliminary or final subdivision or site plan map, official map or current tax map.
- G. Dead or diseased trees; agricultural advancement purposes. Any dead or diseased tree that is likely to endanger the occupant, the public, or an adjoining property owner, or any tree cut for use as firewood, posts, rails, or building materials, provided it is for the personal use of the owner or occupant of the land on which the tree was located before cutting and for use on that land and not for resale or commercial purpose. Any tree growing on property actively operated under farmland assessment which is removed for reasons that advance agricultural purposes for that farm and not resold.
- H. Cutting or removal in accordance with woodland management plan. Any tree cut or removed in accordance with a woodland management plan developed by the New Jersey Department of Environmental Protection (NJDEP), New Jersey Forest Service, or other professional forester, and filed with the enforcing office duly appointed by the Township of Lebanon. The woodland management plan shall be approved by the New Jersey Forest Service when required to qualify the property for farmland assessment values.
- I. **Clearing, cutting, and/or removal of trees which is necessary to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park, and/or garden.**
- J. **Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan;**

K. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP), or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

L. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

M. Nuisance trees may be removed with no fee or replacement requirement.

§ 349-4. Application for permit; review.

A. Application for permit of removal. Any person ~~of a corporation~~ desiring to destroy, cut or remove any such tree ~~in excess of the aforesaid size~~ **defined as a regulated activity pursuant to §349-5 below,** shall apply to the Zoning Officer of the Township of Lebanon for a permit to remove such trees. The applicant shall identify the land upon which the tree or trees are located and shall disclose the name and address of the owner, tenant, or duly authorized agent of said owner or tenant, and shall identify and place the location of said tree or trees sought to be cut, removed or destroyed. This shall apply to all subdivisions, site plans and any lot of record.

B. Issuance of permit. If the applicant discloses that no more than five trees, in excess of the size referred to aforesaid in this chapter, are to be removed or destroyed from the lot or tract of land identified in said application, then, and in that event, said Zoning Officer may issue a permit for the removal of said tree or trees.

C. Removal of more than five trees; determinations; certification by a professional forester. In the event said applicant, together with any previous applicant or application, indicates that more than five trees of the size hereinbefore referred to are to be cut, removed or destroyed from said land, the Zoning Officer shall review the site to determine whether the cutting, removal or destruction of said trees shall impair the drainage conditions, create soil erosion, increase the dust, or cause the deterioration of the property value and shall further determine the overall effects of the physical and aesthetic values of the land. In the event that the Zoning Officer is unable to determine if the removal of such trees would be detrimental to the property in question, the Zoning Officer may require that the applicant provide a certification by a professional forester that the cutting, removal or destruction of said trees shall not impair the drainage conditions, create soil erosion, increase the dust, or cause the deterioration of the physical and aesthetic values of the land. The cost of this determination shall be borne totally by the applicant.

N. §349-5. Regulated Activities.

A. Tree Replacement Requirements

(1) Within a five-year period, any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under §349-3, shall be subject to the requirements of the Tree Replacement Requirements Table below.

**(2) For applicants, other than "Homeowners":
Within a five-year period, any person, other than a homeowner, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under Section 349-3, shall be subject to the requirements of the Tree Replacement Requirements Table below.**

**(3) For "Homeowner" applicants:
Within a five-year period, any person that removes more than three (3) trees**

per acre that fall into categories 1, 2, or 3, combined, or anyone (1) tree in categories 4 or 5 in the Tree Replacement Requirements table below, unless exempt under Section 349-3, shall be subject to the requirements of the Tree Replacement Requirements Table below.

- (4) Acceptable species of replacement trees are as follows:
- (a) October Glory Maple
 - (b) Green Mountain Sugar Maple
 - (c) Princeton Sentry Ginkgo
 - (d) Sour Gum
 - (e) Swamp White Oak
 - (f) Willow Oak
 - (g) Red Oak
 - (h) Sawleaf Zelkova
- (5) Replacement tree(s) shall meet the required actions in table below and shall be planted within twelve (12) months of the date of removal of the original tree(s). Replacement tree(s) shall be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months. Trees planted in temporary containers or pots do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Required Action</u>
<u>1</u>	<u>DBH of 2.5" (for street trees) or 6" (for other trees) to 12.99"</u>	<u>Replant 1 tree in accordance with Appendix A, with a minimum DBH of 1.5" for each tree removed</u>
<u>2</u>	<u>DBH of 13" to 22.99"</u>	<u>Replant 2 trees in accordance with Appendix A, with minimum DBHs of 1.5" for each tree removed</u>
<u>3</u>	<u>DBH of 23" to 32.99"</u>	<u>Replant 3 trees with minimum DBHs of 1.5" for each tree removed</u>
<u>4</u>	<u>DBH of 33" or greater</u>	<u>Replant 4 trees with minimum DBHs of 1.5" for each tree removed</u>
<u>5</u>	<u>Tree of Significance*</u>	<u>Replant 5 trees with minimum DBHs of 1.5" for each tree removed</u>

*Tree of Significance removals shall be approved by the Township Committee.

B. Replacement Alternative.

If it is determined by the Township that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- (1) Plant replacement trees in a separate area(s) approved by the municipality.
- (2) Pay a fee of \$400.00 per tree removed. This fee shall be placed into a fund

dedicated to tree planting.

§ 349-6. Basis for determination.

As a basis for determining permitted tree removal, the Zoning Officer shall give due consideration to the following:

- A. Clearance for road or driveway right-of-way. Clearance of trees for proposed road or driveway right- of-way shall be approved by the Zoning Officer only for the paved or stoned portion of such rights- of-way plus 15 feet width on each side only for alignments on plans as approved by the Planning Board or Board of Adjustment or Township Engineer.
- B. Clearance for construction. Clearance of trees for construction of residence or other primary and accessory building plus a twenty-five-foot-wide area surrounding such buildings shall be approved by the Zoning Officer only upon receipt of preliminary or final subdivision or site plan application as approved in writing by the Planning Board or Board of Adjustment.
- C. Clearance for off-street parking facilities or outdoor storage areas. Clearance of trees for proposed off-street parking facilities or outdoor storage areas shall be approved by the Zoning Officer only for cleared locations as indicated on site plans approved by the Planning Board or Board of Adjustment.
- D. Clearance for construction of septic tanks, etc. Clearance of trees for construction of septic tanks, cesspools, leaching fields, sewer plants and the like shall be approved by the Zoning Officer only after receipt of a site plan as approved by the Health Officer or Municipal Board of Health or Township Engineer.
- E. Consideration of permits granted. All permits granted for removal of trees shall be issued with due consideration to the intent and purpose of this chapter. Properties which are subject to a permit shall be managed and restored in accordance with the New Jersey Forestry and Wetlands Best Management Practices Manual.
- F. Tree removal.
 - (1) Where permitted.
 - (a) Generally, the removal of trees shall be permitted where the cut-and-fill operations as part of site grading are in excess of one-foot elevation on all sides of a tree or trees in question.
 - (b) Where, in the opinion of a professional forester or engineer, the change in the existing drainage pattern will result in the general destruction of trees.
 - (2) Where prohibited or subject to special consideration.
 - (a) Where the purpose of tree removal is to provide better visibility to expose vacant land, signs and billboards, such removal shall be prohibited.
 - (b) Where the existing trees form part of a planning greenbelt in any buffer zone, wetlands area, or transition area, such removal shall be prohibited.
 - (c) Where trees are considered to be special by virtue of history, unusual size, or the like, such removal shall be prohibited.
 - (d) The removal of trees near utility substations, transmission towers, warehouses, junkyards, landfill operations and other similar uses or structures shall be prohibited except where in conflict with public safety requirements.
 - [1] In the vicinity of such uses or structures, in the absence of existing trees or forest cover, provisions shall be made for screen planting preferably

using evergreen species.

§ 349-7. Issuance of permit; notification of nonissuance.

- A. The Zoning Officer, after reviewing the site and the certification of a professional forester, if required, shall determine whether the applicant shall be granted a permit and shall issue a tree removal permit or denial in writing within 10 days of the date of such application. The Zoning Officer shall from time to time designate another officer for a particular application who shall be the Construction Code Official or the Township Engineer of the Township of Lebanon. That designated official shall have the same duties and responsibilities as the Zoning Officer pertaining to that application.
- B. If said determination of the applicant's request is unfavorable, the Zoning Officer shall promptly notify the applicant in writing with respect thereto and shall not issue said permit.

§ 349-8. Fees.

The applicant at the time of filing said application shall deposit with the Zoning Officer a fee for the permit according to the following schedule:

Number of Trees	Permit Fee
5 to 15	\$50
16 to 31	\$100
32 to 50	\$150
51 to 75	\$200
76 to 100	\$250
Over 100	\$300

§ 349-9. Right of appeal.

The applicant shall have the right to appeal the aforesaid decision to the Board of Adjustment of the Township of Lebanon within 15 days of receipt of the Zoning Officer's decision. The Board shall, by written notice to the applicant, address the applicant within 30 days after the filing of said notice of appeal or hearing, where applicable, of its decision. The Board of Adjustment may in its discretion and upon complete review of the application, and after hearing the testimony of the Zoning Officer and the applicant, reverse, modify or affirm the aforesaid decision.

§ 349-10. Violations and penalties.

Any person violating any provision of this chapter shall be subject to a fine not exceeding \$500 per tree removed or imprisonment for 30 days, or both, at the discretion of the Judge of the Municipal Court of the Township of Lebanon.

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect after passage and publication in the manner provided by law.

Ms. Koehler advised the public Hearing for Ordinance No. 08-2024 is Wednesday, May 1, 2024.

Ms. Koehler asked for a motion to introduce Ordinance No. 08-2024.

Motion to Introduce: Mr. Wunder
Second: Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

RESOLUTIONS

NO. 68-2024 RESOLUTION AUTHORIZING CONTINUED EMPLOYMENT OF FRANCES SUCHOVIC AS PER DIEM EMPLOYEE FOR BUNNVALE LIBRARY

WHEREAS, N.J.S.A. Title 40 and 40A provides for the appointment of certain officers, appointees and employees to Township positions to carry out lawful duties and responsibilities of the Township; and

WHEREAS, the Township of Lebanon has a need for per diem employees at the Bunnvale Library; and

WHEREAS, the Township Salary Ordinance provides for the rate of compensation, salary and wages for certain officers, appointees and employees of the Township; and

WHEREAS, Ms. Frances Suchovic was initially hired as a per diem employee for the Bunnvale Library on January 11, 2024; and

WHEREAS, the Township’s Chief Financial Officer has certified the availability of funds for this purpose; and

WHEREAS, the Township Committee desires to continue the employment of Ms. Frances Suchovic as a per diem employee for the Bunnvale Library on the terms set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that it does hereby authorize the continued employment of Ms. Frances Suchovic as a per diem employees for the Bunnvale Library at an hourly rate of \$15.30, not to exceed 20 hours per week.

BE IT FURTHER RESOLVED the duration of employment for Ms. Frances Suchovic shall be 90 days from adoption of this Resolution, subject to the Township Committee further extending the term of employment.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Township’s Chief Financial Officer.

Ms. Koehler asked for a motion to approve Resolution No. 68-2024.

Motion to Approve: Mr. Wunder
Second: Mr. Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 69-2024 RESOLUTION AUTHORIZING REFUND OF HIGHLANDS EXCEPTION ESCROW FOR 299 ROCKY RUN ROAD, BLOCK 10, LOT 20.01

WHEREAS, Distinctive Builders, LLC. issued check number 2596, dated August 6, 2020, for a Highlands Exception Escrow for 299 Rocky Run Road, Block 10 Lot 20.01, with the Township of Lebanon; and

WHEREAS, there remains a balance of \$392.50 in the escrow account; and

WHEREAS, the Township Planner prepared a final application review letter with approval of exemption on October 7, 2020.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey authorizes the Township Finance Office to refund the amount of \$392.50 to Distinctive Builders, LLC.

Ms. Koehler asked for a motion to approve Resolution No. 69-2024.

Motion to Approve: Mr. Wunder

Second: Mr. Abuchowski

Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 70-2024 RESOLUTION ACCEPTING THE RESIGNATION OF MICHAEL THOMSEN FROM THE LEBANON TOWNSHIP POLICE DEPARTMENT

WHEREAS, Michael Thomsen was employed as a Patrolman for the Lebanon Township Police Department; and

WHEREAS, by written notice received April 9, 2024, Michael Thomsen notified the Township Police Chief that he would be resigning from his position as Patrolman and employee of the Township of Lebanon, with his last day of employment being April 17, 2024; and

WHEREAS, the Township Committee desires to accept the resignation of Michael Thomsen as Patrolman and employee for the Township of Lebanon, effective April 17, 2024 by way of adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that it does hereby accept the resignation of Michael Thomsen as Patrolman and employee for the Township of Lebanon, effective April 17, 2024.

Ms. Koehler asked for a motion to approve Resolution No. 70-2024.

Motion to Approve: Mr. Wunder

Second: Mr. Wojcik

Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 71-2024 RESOLUTION AWARDING A CONTRACT TO MICRO ENTERPRISE SOLUTIONS LLC (“MES”) FOR “IT” MANAGEMENT SERVICES FOR THE TOWNSHIP OF LEBANON

WHEREAS, the Township of Lebanon has need of IT management services; and

WHEREAS, N.J.S.A. 40A:11-6.1 authorizes the solicitation of at least two competitive quotations, if practicable, in certain instances where the contract for services is less than the bid threshold, but 15% or more of that amount; and

WHEREAS, the Township is permitted in that instance to award a contract to the vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, the Township solicited for and received 2 quotations for the required work; and

WHEREAS, the Township Committee reviewed the quotes and desires to award a contract to Micro Enterprise Solutions LLC, having an address at 96 Andrew Street, #3F, Bayonne, New Jersey 07002 (“MES”) for IT management services for the Township of Lebanon for the term July 1, 2024 to June 30, 2025, in the amount of \$900.00 per month, pursuant to its written proposal dated March 18, 2024, a copy of which is on file in the Office of the Municipal Clerk, as its quote was most advantageous, price and other factors having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that it does hereby award a contract to Micro Enterprise Solutions LLC, 96 Andrew Street, #3F, Bayonne, New Jersey 07002 (“MES”) for IT management services for the Township of Lebanon for the term July 1, 2024 to June 30, 2025, in the amount of \$900 per month, in accordance with its written proposal dated March 18, 2024, a copy of which is on file in the Office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute such contract documents that are required and prepared by the Township Attorney on behalf of the Township for the purpose stated herein and the Chief Financial Officer is hereby authorized to issue said purchase order on behalf of the Township

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Micro Enterprise Solutions LLC (“MES”), the Township CFO and Accounts Payable Clerk.

Mr. Wojcik provided an overview of the benefits of moving from the current IT service company to MES.

Ms. Koehler asked for a motion to approve Resolution No. 71-2024.

Motion to Approve: Mr. Wojcik
Second: Mr. Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 72-2024 RESOLUTION AWARDED A CONTRACT TO CNJ CLEANING SERVICES LLC FOR CLEANING SERVICES FOR THE MUNICIPAL BUILDING AND BUNNVALE LIBRARY

WHEREAS, the Township of Lebanon has need for cleaning services at the Municipal Building and Bunnvale Library; and

WHEREAS, N.J.S.A. 40A:11-6.1 authorizes the solicitation of at least two competitive quotations, if practicable, in certain instances where the contract for services is less than the bid threshold, but 15% or more of that amount; and

WHEREAS, the Township is permitted in that instance to award a contract to the vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, the Township solicited for and received 2 quotations for the required work;
and

WHEREAS, the Township Committee has reviewed the quotes and desires to award a contract to CNJ Cleaning Services LLC, 2 Pohat Court, Washington, NJ 07882 for cleaning services at the Municipal Building and Bunnvale Library, in the amount of \$175.00 per week, pursuant to its written proposal dated March 17, 2024, a copy of which is on file in the Office of the Municipal Clerk, as its quote was most advantageous, price and other factors having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that it does hereby award a contract to CNJ Cleaning Services LLC, 2 Pohat Coury, Washington, NJ 07882, for cleaning services at the Municipal Building and Bunnvale Library, in the amount of \$175.00 per week, in accordance with its written proposal dated March 17, 2024, a copy of which is on file in the Office of the Municipal Clerk.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute such contract documents that are required and prepared by the Township Attorney on behalf of the Township for the purpose stated herein and the Chief Financial Officer is hereby authorized to issue said purchase order on behalf of the Township

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the CNJ Cleaning Services LLC, the Township CFO and Accounts Payable Clerk.

Ms. Koehler asked for a motion to approve Resolution No. 72-2024.

Motion to Approve: Mr. Wunder
Second: Mr. Wojcik
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 73-2024 RESOLUTION AUTHORIZING REFUND OF HIGHLANDS EXCEPTION ESCROW FOR TURKEY TOP AND MOUNTAIN ROAD (CAMP BERNIE), BLOCK 56, LOT 9

WHEREAS, Young Men’s Christian Association of Ridgewood, NJ issued check number 33565, dated August 31, 2018, for a Highlands Exception Escrow for Turkey Top & Mountain Road (Camp Bernie), Block 56 Lot 9, with the Township of Lebanon; and

WHEREAS, there remains a balance of \$199.00 in the escrow account; and

WHEREAS, the Township Planner prepared a final application review letter with approval of the exemption on October 22, 2018.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey authorizes the Township Finance Office to refund the amount of \$199.00 to Young Men’s Christian Association of Ridgewood, NJ.

Ms. Koehler asked for a motion to approve Resolution No. 73-2024.

Motion to Approve: Mr. Abuchowski
Second: Mr. Wunder

Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

No. 74-2024 RESOLUTION AUTHORIZING REFUND OF HIGHLANDS EXCEPTION ESCROW FOR 38 SLIKER ROAD, BLOCK 40, LOT 22

WHEREAS, Mr. George Wenger issued check number 942, dated June 12, 2018, for a Highlands Exception Escrow for 38 Sliker Road, Block 40 Lot 22, with the Township of Lebanon; and

WHEREAS, there remains a balance of \$439.00 in the escrow account; and

WHEREAS, the Township Planner prepared a final application review letter with approval of the exemption on July 17, 2018.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey authorizes the Township Finance Office to refund the amount of \$439.00 to Mr. George Wenger.

Ms. Koehler asked for a motion to approve Resolution No. 74-2024.

Motion to Approve: Mr. Wojcik

Second: Mr. Abuchowski

Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 75-2024 RESOLUTION AUTHORIZING PARTIAL PAYMENT TO LEBANON TOWNSHIP VOLUNTEER FIRE DEPARTMENT

WHEREAS, N.J.S.A. 40A:14-34 permits a governing body of a municipality to raise and appropriate funds to be granted to volunteer fire companies located within the municipality; and

WHEREAS, to ensure the readiness and reliability of the Lebanon Township Volunteer Fire Department, the Township Committee appropriated \$130,000.00 in the Township's 2024 annual budget; and

WHEREAS, the Lebanon Township Volunteer Fire Department has requested that the Township Committee authorize the release a portion of these funds to assist in the Department's continued operation; and

WHEREAS, the Township Committee desires to formally authorize the release of \$36,000.00 by way of adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that it does hereby authorize payment of \$36,000.00 to the Lebanon Township Volunteer Fire Department, pursuant to N.J.S.A. 40A:14-34, for the purposes stated herein above.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Township's CFO and Accounts Payable Clerk.

Mr. McKee discussed the Fire Departments need for the partial funding and asked for the Committee's support.

Ms. Koehler asked for a motion to approve Resolution No. 75-2024.

Motion to Approve: Mr. Abuchowski
 Second: Mr. Wojcik
 Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 76-2024 RESOLUTION PETITIONING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ALLOW DELAYED INTRODUCTION OF THE 2024 MUNICIPAL BUDGET

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 29th of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2024 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 2024 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.

Ms. Koehler asked for a motion to approve Resolution No. 76-2024.

Motion to Approve: Mr. Wojcik
 Second: Mr. Abuchowski
 Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 77-2024 RESOLUTION TO INTRODUCE THE 2024 MUNICIPAL BUDGET

WHEREAS, the Township of Lebanon is holding a meeting on April 17, 2024, for the purpose of introducing the 2024 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 2024 Local Municipal Budget be introduced and approved on April 17, 2024.

2024 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus Anticipated General Revenues	\$ 800,000.00
Total Miscellaneous Revenue	3,499,373.00
Receipts from Delinquent Taxes	240,000.00
Local Property Taxes	2,917,648.00
Total General Revenues	<u>\$7,457,021.00</u>
Salaries and Wages	\$2,843,083.00
Other Expenses	2,060,576.00
Capital Improvements	800,000.00

Debt Service	352,000.00
Statutory Expenses	784,303.00
Reserve for Delinquent Taxes	<u>617,059.00</u>
Total 2024 Municipal Budget	<u>\$7,457,021.00</u>
Municipal Tax Rate	\$0.3133

Ms. Koehler advised the Public Hearing for Resolution No. 77-2024 will be Wednesday, May 15, 2024.

Ms. Koehler asked for a motion to approve Resolution No. 77-2024.

Motion to Approve: Mr. Wunder
 Second: Mr. McKee
 Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 78-2024 RESOLUTION PETITIONING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO INCLUDE SPECIAL ITEMS OF GENERAL REVENUE – PUBLIC AND PRIVATE REVENUES OFFSET WITH APPROPRIATIONS IN THE 2024 MUNICIPAL BUDGET

WHEREAS, the 2024 Local Municipal Budget was introduced on the 17th day of April, 2024; and,

WHEREAS, during the fiscal year 2024 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$47,899.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2024 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:**"

Clean Communities Program-PY Unapprop.	\$ 30,795
ARP – PY Unapprop. Interest	13,848
Body Armor Prior Year Unapprop.	1,652
Drunk Driving Enforcement Grant – Prior Year Unapprop.	<u>1,604</u>
	<u>\$47,899</u>

Ms. Koehler asked for a motion to approve Resolution No. 78-2024.

Motion to Approve: Mr. Wojcik
 Second: Mr. Abuchowski
 Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 79-2024 RESOLUTION PETITIONING THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO INCLUDE SPECIAL ITEMS OF

GENERAL REVENUE – OTHER SPECIAL ITEMS IN THE 2024 MUNICIPAL BUDGET

WHEREAS, the 2024 Local Municipal Budget was introduced on the 17th day of April, 2024; and,

WHEREAS, during the fiscal year 2024 the Township of Lebanon will receive revenue for various other special items in the amount of \$402,315.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2024 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 Svs	\$ 382,315.00
Lebanon Board of Education-Property Maintenance	<u>20,000.00</u>
	<u>\$ 402,315.00</u>

Ms. Koehler asked for a motion to approve Resolution No. 79-2024.

Motion to Approve: Mr. Wojcik
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

NO. 80-2024 RESOLUTION ADOPTING EMPLOYEE HANDBOOK FOR THE TOWNSHIP OF LEBANON

WHEREAS, in January 2001, the Township Committee adopted an Employee Handbook to ensure that employees and prospective employees are treated in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, in the interest of compliance with current Federal and State Laws and applicable municipal ordinances there is a need to replace the previous handbook using the current Statewide Insurance Fund template with a new, Employee Handbook that also covers Township Volunteers, Elected/Appointed Officials and Independent Contractors where applicable ; and

WHEREAS, based upon review of the State Joint Insurance Fund’s current template, the Township Committee agrees that there is a need for a new Township of Lebanon Employee Handbook.

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

1. That the Township of Lebanon Employee Handbook, a copy of which is attached as Schedule A, be and is hereby adopted.
2. That the Employee Handbook shall apply to all employees, and where applicable to all Township officials, appointees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the Handbook shall prevail.
3. That this Handbook is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

4. That to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will.”
5. A copy of the Township of Lebanon Employee Handbook shall be provided to all Township officials, appointees, employees, volunteers and independent contractors, as applicable.

Ms. Koehler provided some general information regarding the Handbook. Mr. Roselli explained what a Joint Insurance Fund “JIF” is and how it operates.

Ms. Koehler asked for a motion to approve Resolution No. 80-2024.

Motion to Approve: Mr. Abuchowski
 Second: Mr. McKee
 Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

UNFINISHED BUSINESS

1. Musconetcong River Road NJDOT Grant. Mr. Wunder advised he spoke with Mr. Warren Gabriel, DPW Supervisor, regarding the grant and what portion(s) of the road will be paved. Funds for paving will come from the NJDOT Grant as well as 2024 Township Capital Funds.

NEW BUSINESS

1. Removal of Recycling Dumpster Behind the Municipal Building. Ms. Koehler advised the dumpster has been abused, trash dumped into recycling. The budget for the dumpster was removed for 2024. The Committee agreed to have the dumpster removed. Ms. Carolyn Budd to advertise on the website, etc. the effective date.
2. Policy Discussion – Township Advertising/Participation in Local, Non-Lebanon Township Initiated Communications. The Committee discussed advertising in a third-party publication. The Township would have no control over materials published other than what the Township provides. The Committee agreed any material (from Township Employee or Board Member) that would be advertised in a third-party publication would need to be reviewed by Ms. Budd and approved by the Committee.
3. Use of Open Space Trust Funds. Mr. Wojcik advised he would like to use funds for Memorial Park and Mr. McKee would like to use funds for the Museum. Mr. Roselli advised a Resolution with Public Hearing needs to be done including the total amount in the fund and the percent of the fund for each requested use. The Committee to provide this information to Mr. Roselli for him to compose the Resolution.
4. Resignation of Donna Guzzino, Recreation Commission Member. Ms. Koehler read Mr. Guzzino’s resignation letter. Ms. Koehler asked for a motion to accept Ms. Guzzino’s resignation.

Motion to Accept: Mr. Abuchowski
Second: Mr. Wojcik
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

5. Recreation Chair Maria Naccarato Stepping Down, Recommendation of Meredith Tyers as New Chair – Mayoral Appointment. Ms. Koehler made a motion to appoint Ms. Tyers as Recreation Chair.

PRESENTATION OF VOUCHERS

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

Ms. Koehler asked for a motion to approve vouchers.

Motion to Approve: Mr. Wunder
Second: Mr. Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

The Township Committee approved the April 17, 2024, bill list in the amount of \$425,819.83.

CORRESPONDENCE

1. Historian’s Meeting Minutes – 1/11/2024
2. Historian’s Meeting Minutes – 2/8/2024
3. Historian’s March 2024 Report

Correspondence were provided to the Committee.

PUBLIC COMMENT (limited to three minutes per speaker)

Ms. Koehler asked for a motion to open Public Comment.

Motion to Open: Mr. Wojcik
Second: Mr. McKee
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Public Comment: Ordinances and Resolution on Township website, Squire’s Point newsletter, posting Township events on Facebook.

Seeing and hearing no one else wishing to speak, Ms. Koehler asked for a motion to close Public Comment.

Motion to Close: Mr. Abuchowski
Second: Mr. Wunder
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

EXECUTIVE SESSION

NO. 81-2024 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.

A matter involving the purchase, 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) NAR. 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: Organizational Strategy. 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.

Ms. Koehler asked for a motion to open Executive Session.

Motion of Open: Mr. Abuchowski
Second: Mr. Wojcik
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Mayor and Committee entered Executive Session at 9:00 p.m.

Mayor and Committee closed Executive Session at 10:35 p.m.

Ms. Koehler asked for a motion to reconvene into Regular Session.

Motion to Reconvene: Mr. Wunder
Second: Mr. Abuchowski
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

ADJOURNMENT

Having no further business to conduct, Ms. Koehler asked for a motion to adjourn the meeting.

Motion to Adjourn: Mr. Abuchowski
Second: Mr. Wojcik
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Meeting adjourned at 10:35 p.m.

Respectfully Submitted:

Carolynn Budd, RMC
Township Clerk

Beverly Koehler, Mayor

Date Approved