

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

May 1, 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
Ms.Carolynn Budd, Township Clerk
13 Members of the Public

PRESENTATION OF MINUTES

4/11/2024 Budget Session Meeting Minutes
4/17/2024 Regular Session Meeting Minutes
4/17/2024 Executive Session Meeting Minutes

Ms. Koehler asked for a motion to approve the 4/11/2024 Budget Session Meeting Minutes.

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

Ms. Koehler asked for a motion to approve the 4/17/2024 Regular Session Meeting Minutes.

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

Ms. Koehler asked for a motion to approve the 4/17/2024 Executive Session Meeting Minutes.

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

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

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

ORDINANCE FOR PUBLIC HEARING AND ADOPTION

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.~~

1. §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.

2. §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:

- A. 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.
- B. **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.
- C. Land used for surface mining or public utilities. Any tree growing on land actually being used for surface mining or public utilities.
- D. 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.
- E. 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.
- F. 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.

- G. **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.**
- H. **Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan;**
- I. **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;**
- J. **Approved game management wildlife habitat management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife Program Game and Wildlife, NJDEP Office of Natural Resource Restoration, USDA Natural Resources Conservation Service, US Fish and Wildlife Service, a government resource agency such as a parks commission, or a charitable conservancy.;**
- K. **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.

3. §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: **See Appendix A.**
 - (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.

1. 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.**

2. **B. Replacement Alternative.**
3. **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.

APPENDIX A: LEBANON TOWNSHIP APPROVED TREE SPECIES LIST

(More information about planting times/seasons and proper planting procedures can be found at a variety of online sources, including but not limited to <https://www.wildflower.org/plants/> and <https://www.jerseyyards.org/>.)

Common Tree Name	Botanical Name	Soil Needs	Sunlight Needs	Height & Growth	Deer Resistant	Comments
Boxelder	<i>Acer negundo</i>	Average	Full sun-pt. sun	30-50 ft, fast	Somewhat	Yellow/green flowers in March/April; high drought tolerance
Yellow buckeye	<i>Aesculus flava</i>	Average	Full sun-pt. sun	60-75 ft, moderate	Somewhat	Clusters of yellow flowers in April-May; produces nuts; orange fall foliage
Gray Alder	<i>Alnus incana</i>	Moist-wetland	Full sun-pt. sun	15-35 ft, fast	Somewhat	Purple-red catkins in spring, flood tolerant
Common Serviceberry	<i>Amelanchier arborea</i>	Average	Full sun-pt. sun	15-25 ft, moderate	Somewhat	Drooping clusters of white flowers in March/April; edible purple berries; colorful fall foliage
Pawpaw	<i>Asimina triloba</i>	Average	Full sun-pt. sun	15-20 ft., slow	Mostly	Purple flowers in April/May; flavorful, edible fruit in fall; need two for pollination.
Yellow birch	<i>Betula alleghaniensis</i>	Moist - wetland	Pt. Sun-shade	60-80 ft, slow	Somewhat	Yellow fall foliage; susceptible to drought
River Birch	<i>Betula nigra</i>	Average-moist, slightly acidic	Full sun-pt. sun	40-60 ft., rapid	Mostly	Peeling bark; yellow fall foliage; does well in wetlands
Gray birch	<i>Betula populifolia</i>	Average-moist	Full Sun	20-30 ft, rapid	Mostly	White bark; susceptible to drought
American Hornbeam	<i>Carpinus caroliniana</i>	Average-moist	Full sun-pt. shade	30 ft., slow	Mostly	Small shade tree; susceptible to drought; flood tolerant

Bitternut Hickory	<i>Carya cordiformis</i>	Average -moist	Full sun-pt. sun	50-80 ft, slow	Mostly	Bright yellow winter buds; produces nuts; yellow fall foliage
Pignut Hickory	<i>Carya glabra</i>	Dry - average	Full sun-pt. sun	50-80 ft., slow	Mostly	Produces nuts
Shagbark Hickory	<i>Carya ovata</i>	Average -moist	Full sun-pt. sun	100 ft, moderate	Mostly	Ornamental shaggy bark; produces edible nuts; golden fall foliage
Mockernut Hickory	<i>Carya tomentosa</i>	Average -moist	Full sun-pt. sun	50-60 ft, slow	Mostly	Produces edible nuts; yellow fall foliage
American Chestnut	<i>Castanea dentata</i>	Average	Full sun-pt. sun	100 ft, moderate	Somewhat	Choose blight-resistant variety when available; produces edible nuts
Common Hackberry	<i>Celtis occidentalis</i>	Average	Full Sun	40-60 ft, fast	Mostly	Produce purple fruits
Eastern Redbud	<i>Cercis canadensis</i>	Average	Sun-pt. shade	30 ft., moderate	No	Magenta flowers in April/May; bright fall foliage; drought tolerant
Alternatleaf Dogwood	<i>Cornus alterniflora</i>	Dry - average	Pt. Sun-shade	15-25 ft, moderate	No	White flower clusters in May/June, blue-black fruits; red fall foliage; susceptible to drought
Flowering dogwood	<i>Cornus florida</i>	Average -moist, acidic	Pt. Sun-shade	30 ft., moderate	No	White flowers in April/May; red fruit; red fall foliage; susceptible to drought
Cockspur Hawthorn	<i>Crataegus crus-galli</i>	Dry - average	Full sun-pt. sun	20-30 ft, moderate	Somewhat	Clusters of white flowers in late spring; bright red fruits; red fall foliage; has thorns
Persimmon	<i>Diospyros virginiana</i>	Average	Full sun-pt. sun	35-60 ft, slow	Mostly	White/green flowers in spring; edible fruit; need two trees for pollination; drought tolerant
American Holly	<i>Ilex opaca</i>	Average	Pt. Sun-shade	40-50 ft, slow	Mostly	Evergreen; need male & female for red berries
Butternut	<i>Juglans cinerea</i>	Average	Full sun	40-60 ft, fast	Somewhat	Produces edible nuts; roots produce plant toxins
Black Walnut	<i>Juglans nigra</i>	Average	Full sun	50-100 ft, fast	Somewhat	Produces large edible nuts; roots produce plant toxins
Eastern Red Cedar	<i>Juniperus virginiana</i>	Average	Full sun-pt. sun	40-60 ft, slow	Mostly	Evergreen; produces small blue-gray berries; drought tolerant

Tulip tree	<i>Liriodendron tulipifera</i>	Average -moist	Full Sun	60-120 ft, rapid	Mostly	Yellow/orange flowers in May/June; susceptible to drought
Red Mulberry	<i>Morus rubra</i>	Average	Full sun-pt. sun	35-50 ft, moderate	No	Female trees produce edible fruit, can be messy
Blackgum	<i>Nyssa sylvatica</i>	Average -moist	Pt. Sun-shade	60-80 ft, rapid	Mostly	Female trees produce edible sour fruit; red fall foliage; flood tolerant
Hop hornbeam	<i>Ostrya virginiana</i>	Dry - Average	Pt. Sun-shade	25-50 ft, slow	Mostly	Produces uniquely shaped seed pods
Eastern White Pine	<i>Pinus strobus</i>	Average, acidic	Full sun	50-80 ft, rapid	Somewhat	Evergreen; susceptible to drought
Bigtooth Aspen	<i>Populus grandidentata</i>	Average	Full Sun	60-80 ft, rapid	No	Yellow fall foliage
Quaking Aspen	<i>Populus tremuloides</i>	Average	Full Sun	50-60 ft, rapid	No	White bark; yellow fall foliage
American Plum	<i>Prunus americana</i>	Average	Full sun-pt. sun	15-25 ft, medium	No	Clusters of white flowers in March; edible red plums; susceptible to drought
Pin Cherry	<i>Prunus pensylvanica</i>	Average	Full sun	20-50 ft, rapid	Somewhat	White flowers in May; edible berries; bright fall foliage
Black Cherry	<i>Prunus serotina</i>	Dry - average	Full sun	50-60 ft, rapid	No	White flowers in May; small edible berries; bright fall foliage
Chokecherry	<i>Prunus virginiana</i>	Average	Full sun	20-30 ft, rapid	No	White flowers in April/May; small edible berries; bright fall foliage
White Oak	<i>Quercus alba</i>	Average	Full sun-pt. sun	50-80 ft, slow	No	Produces acorns; tolerates some flooding and occasional drought
Swamp White Oak	<i>Quercus bicolor</i>	Moist - wetland, acidic	Full sun-pt. sun	50-60 ft, rapid	No	Produces acorns; yellow/purple fall foliage; tolerates some flooding and drought
Chestnut Oak	<i>Quercus montana</i>	Dry - average	Full sun-pt. sun	60-70 ft, slow	No	Produces acorns; orange fall foliage
Pin Oak	<i>Quercus palustris</i>	Average -moist, acidic	Full sun-pt. sun	70-90 ft., rapid	Somewhat	Produces acorns; red fall foliage; roots won't buckle paving
Northern Red Oak	<i>Quercus rubra</i>	Dry - average	Full sun-pt. shade	60-75 ft., moderate	No	Produces acorns

Black Oak	<i>Quercus velutina</i>	Dry - Average, acidic	Full sun-pt. sun	50-60 ft, moderate	No	Produces acorns; red fall foliage
Black Willow	<i>Salix nigra</i>	Moist - wetland	Full sun	30-60 ft, rapid	No	Yellow fall foliage; tolerant of flooding; susceptible to drought
Sassafras	<i>Sassafras albidum</i>	Dry - average	Full sun-pt. sun	30-60 ft, moderate	Somewhat	Bright fall foliage; drought tolerant
Arborvitae	<i>Thuja occidentalis</i>	Average -moist	Full sun-pt. sun	20-40 ft, slow	No	Evergreen
Basswood	<i>Tilia americana</i>	Average -moist	Full sun-pt. sun	60-80 ft, moderate	No	Yellow flowers in June; syrup can be made from sap; drought tolerant
American Elm (Princeton)	<i>Ulmus americana</i> 'Princeton'	Average	Full sun	100 ft., rapid	No	New cultivar resistant to Dutch Elm disease; drought tolerant

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

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

Ms. Koehler advised there are amendments to the Ordinance from it's introduction. Mr. Roselli explained the amendments which include the additional tree species.

Ms. Koehler asked for a motion to accept the amendments.

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

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

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

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

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

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

RESOLUTIONS

NO. 82-2024 RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE VOORHEES MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2025 (JULY 1, 2024 – JUNE 30, 2025) FORM 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon.

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Voorhees Municipal Alliance grant for fiscal year 2025 in the amount of:

DEDR	\$ 7,306.00
Cash Match	\$ <u>1,826.50</u>
In-Kind	\$ <u>5,479.50</u>
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Ms. Koehler requested the Resolution be tabled until additional information can be obtained.

Ms. Koehler asked for a motion to table Resolution No. 82-2024.

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

NO. 83-2024 RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE #20-1 FOR 1 COUNTRY WOODS DRIVE, BLOCK 12, LOT 45.02

WHEREAS, the Tax Collector did sell a Tax Sale Certificate #20-1 on November 19, 2020, to Christiana T C/F CE1 Firstrust; and

WHEREAS, the amount of \$83,029.40 has been collected for 1 County Woods Drive, Block 12 Lot 45.02 for the redemption of Tax Sale Certificate #20-1.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, authorizes the Treasurer to prepare and the Mayor, Treasurer and Clerk are authorized to sign a check in the amount of \$83,029.40 for the redemption and a check in the amount of \$52,000.00 for the premium, payable to Christiana T C/F CE1 Firstrust, PO Box 5021, Philadelphia, PA 19111-5021.

Ms. Koehler asked for a motion to approve Resolution No. 83-2024.

Motion to Approve: Mr. Abuchowski

Second: Mr. Wojcik

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

NO. 84-2024 RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE #22-10 FOR 23 MUSCONETCONG RIVER ROAD, BLOCK 72, LOT 10

WHEREAS, the Tax Collector did sell a Tax Sale Certificate #22-10 on December 15, 2022, to G-Tech Capital, LLC; and

WHEREAS, the amount of \$23,547.15 has been collected for 23 Musconetcong River Road, Block 72 Lot 10 for the redemption of Tax Sale Certificate #22-10.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, authorizes the Treasurer to prepare and the Mayor, Treasurer and Clerk are authorized to sign a check in the amount of \$23,547.15 for the redemption and a check in the amount of \$20,000.00 for the premium, payable to G-Tech Capital, LLC, 474 Mary Allen Way, Mountainside, NJ 07092.

Ms. Koehler asked for a motion to approve Resolution No. 84-2024.

Motion to Approve: Mr. Wojcik

Second: Mr. Wunder

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

NO. 85-2024 RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE #22-11 FOR 4 MUSCONETCONG RIVER ROAD, BLOCK 73, LOT 1

WHEREAS, the Tax Collector did sell a Tax Sale Certificate #22-11 on December 15, 2022, to G-Tech Capital, LLC; and

WHEREAS, the amount of \$17,484.48 has been collected for 4 Musconetcong River Road, Block 73 Lot 1 for the redemption of Tax Sale Certificate #22-11.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, authorizes the Treasurer to prepare and the Mayor, Treasurer and Clerk are authorized to sign a check in the amount of \$17,484.48 for the redemption and a check in the amount of \$12,500.00 for the premium, payable to G-Tech Capital, LLC, 474 Mary Allen Way, Mountainside, NJ 07092.

Ms. Koehler asked for a motion to approve Resolution No. 85-2024.

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

PUBLIC HEARING

Ms. Koehler presented Resolution No. 87-2024, Resolution Apportioning and Allocating Open Space Trust Fund Among Purposes for Which it was Established in Accordance with N.J.S.A. 40:12-15.7 and Lebanon Township Code §67-2. Ms. Koehler advised the Resolution would be discussed amongst the Committee and there would be a Public Hearing.

Mr. Wojcik and Mr. McKee spoke regarding how they came to the value for each item under allowable costs for use of Open Space Trust Funds. The values assigned are not to exceed amounts and the funds remain in the Trust Fund until expended.

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

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

Ms. Joann Letters, Park Committee Chair, expressed her excitement with the Park Committee receiving funds to improve Memorial Park.

Ms. Sharon Petzinger, EOSC Chair, thanked the Committee for allocation of funds for trail maintenance, etc. Ms. Petzinger expressed concern regarding possible confusion with terminology in the Open Space Trust Fund categories. Mr. Roselli advised the wording is concise.

Mr. Mike Falconeri, Park Committee Member, thanked the Committee for the allocation of Open Space Trust Funds for Memorial Park. Mr. Falconeri asked how the funds would be received. Mr. Roselli advised funds are paid to vendors, etc. by purchase order, funds are not given to the Park Committee directly. Any projects the Park Committee would like to do must be presented and approved by the Township Committee.

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

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

Ms. Koehler asked for a motion to approve Resolution No. 87-2024.

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

NEW BUSINESS

1. E-Waste Recycling Event at DPW Saturday, October 12, 2024, and Fall Clean Up at DPW Saturday, October 19, 2024 – Approval to Host Events Requested. Ms. Koehler announced the dates and asked for a motion to approve the events.

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

2. American Rescue Plan Act “ARPA” Fund Balance, Parameters and Deadline. Ms. Koehler advised the Committee received information regarding the use of funds that will require additional time to review. Ms. Koehler asked for a motion to table this discussion until the 5/15 Committee Meeting.

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

3. Affordable Housing Sub-Committee. Ms. Koehler advised there is a need to form a sub-committee with new affordable housing legislation taking effect. Ms. Koehler recommended Mr. McKee. Ms. Koehler asked if another member of Committee would be the second member, after discussion Mr. Abuchowski offered to be the second member. Ms. Koehler asked for a motion to approve the Housing Sub Committee members, Mr. McKee and Mr. Abuchowski.

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

4. EOSC Final Goals Municipal Forest Stewardship Master Plan, Committee Endorsement. Ms. Petzinger spoke regarding the plan and survey responses. Ms. Petzinger advised those who responded to the survey generally agreed with the goals. Based on the survey responses some minor revisions were made to the goals. Mr. Wunder and Ms. Koehler asked that next time a survey is compiled, and postcard is created to share with the Committee for their review prior to publishing. Ms. Koehler requested the term trail system be changed to trail access. Ms. Petzinger agreed to make this change. Ms. Koehler asked for a motion to endorse EOSC Final Goals Municipal Forest Stewardship Master Plan.

Motion to Endorse: Mr. Abuchowski

Second: Mr. McKee

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

5. Statewide Insurance Fund Training Portal. Ms. Budd advised the Committee of the new SIF training portal that includes virtual training in various categories for Government Officials. Ms. Budd to set up the Committee Members for training.

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. Abuchowski

Second: Mr. Wojcik

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

The Township Committee approved the May 1, 2024, bill list in the amount of \$2,549,959.97.

PUBLIC COMMENT (limited to three minutes per speaker)

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

Motion to Open: Mr. Abuchowski

Second: Mr. Wojcik

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

Public Comment: NAR Hemp Appeal, Cannabis Ordinance.

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. 86-2024 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). 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: Per Diem, Organizational Structure, Township Documents. 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. Wojcik
Second: Mr. McKee
Ayes: Mr. Abuchowski, Mr. Wojcik, Mr. Wunder, Mr. McKee, Ms. Koehler

Mayor and Committee entered Executive Session at 8:10 p.m.

Mayor and Committee closed Executive Session at 9:47 p.m.

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

Motion to Reconvene: Mr. McKee
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 9:47 p.m.

Respectfully Submitted:

Carolynn Budd, RMC
Township Clerk

Beverly Koehler, Mayor

Date Approved