

**TOWNSHIP OF LEBANON
COMMITTEE MEETING
REGULAR MEETING MINUTES
September 18, 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

Ms. Koehler asked everyone to please stand for the Flag Salute and for a moment of silence and prayer for the nation.

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
7 Members of the Public

PRESENTATION OF MINUTES

9/4/2024 Regular Session Meeting Minutes

Ms. Koehler asked for a motion to approve the 9/4/2024 Regular Session Meeting Minutes.

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

9/4/2024 Executive Session Meeting Minutes

Ms. Koehler requested the Executive Session Minutes be reviewed in Executive Session due to an amendment.

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. Wojcik
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. 11-2024 ORDINANCE AMENDING CHAPTER 400, ARTICLE II, §400-9 ENTITLED “USE REGULATIONS” OF THE CODE OF THE TOWNSHIP OF LEBANON BY PROHIBITING THE OPERATION OF ALL COMMERCIAL PRODUCTION, MANUFACTURING AND SERVICE PROVISIONING OF PSILOCYBIN, PSILOCIN AND PSYLOCYBE SPORES

WHEREAS, the Township of Lebanon has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Lebanon through adoption of Lebanon Township Code Chapter 400 has established Land Use and Development Regulations; and

WHEREAS, the Township of Lebanon through adoption of §400-9 has established use regulations for the Township of Lebanon; and

WHEREAS, the Township of Lebanon in exercising its authority under the MLUL and its general police powers has determined that the establishment of Psilocybin manufacturing facilities and services centers present special concerns for security, safety and location; and

WHEREAS, the Federal Department of Justice/Drug Enforcement Administration lists Psilocybin as a Schedule 1 substance under the Controlled Substances Act, having a high potential for abuse, no currently accepted medical use in treatment in the United States and a lack of accepted safety for use under medical supervision; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that Psilocybin manufacturing and service administration present similar zoning concerns as those for

cannabis establishments regulated by Ordinance No. 2021-07 and 2022-10 and therefore, should be regulated consistently to implement a rational zoning plan; and

WHEREAS, the Township Committee of the Township of Lebanon has determined that it is currently necessary, appropriate and in the best interest of the health, safety and welfare of the Township's residents to proactively amend the Township of Lebanon zoning regulations to prohibit commercial production and manufacturing of Psilocybin and derivatives and the operation of Psilocybin service centers in all zoning districts within the Township of Lebanon.

NOW THEREFORE, IT BE ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

SECTION 1. Chapter 400, Article II, §400-9 A. Residential districts, B. Business districts, C. Industrial District, is hereby amended by adding the following as "Prohibited uses" in all zoning districts:

All commercial manufacturing and service provisioning of Psilocybin, psilocin and psilocybe spores. "Manufacturing" and "service provisioning" means the planting, cultivation, growing, harvesting, production preparation, propagation, compounding, conversion or processing of, retail or wholesaling sale of, warehousing, delivery (originating from within the Township), or client administration sessions of under the supervision of a service facilitator or provider, operation of a testing lab of, operation of an alternate treatment facility or other facility licensed to administer and guide and/or monitor clients through episodes associated with the use of Psilocybin.

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16, the Highlands Commission, and with the Township Tax Assessor. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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

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

Ms. Koehler made a motion to adopt Ordinance No. 11-2024 and asked for a second.

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

RESOLUTIONS

NO. 150-2024 RESOLUTION AUTHORIZING SUBMISSION OF A GRANT PROPOSAL TO THE HUNTERDON COUNTY OPEN SPACE, FARMLAND & HISTORIC PRESERVATION TRUST FUND

WHEREAS, the Hunterdon County Open Space, Farmland & Historic Preservation Trust Fund (“County Open Space Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

WHEREAS, the Township of Lebanon desires to further the public interest by obtaining a matching grant of \$56,000.00 from the County Trust Fund to fund the following project: Memorial Park Volleyball Courts Renovation Project; and

WHEREAS, the Township of Lebanon Committee has reviewed the Municipal Park and Recreation Grant Program application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, the County of Hunterdon shall determine whether the application is complete and in conformance with the scope and intent of the Municipal Park and Recreation Grant Program and the Hunterdon County Open Space Trust Fund; and

WHEREAS, the Township of Lebanon is willing to use the County Open Space Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hunterdon for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey does hereby authorize the application for such a grant; and

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 20, 2024, as established by the County.
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Committee of the Township of Lebanon has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary.
3. That the Mayor and Committee of the Township of Lebanon is committed to providing a 25% cash match for the project.
4. That only those park improvements identified and approved in the project application, its Project contract, or other documentation will be considered eligible for reimbursement.
5. That the Mayor and Committee of the Township of Lebanon agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

That this resolution shall take effect immediately.

Ms. Koehler asked for a motion to adopt Resolution No. 150-2024.

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

NO. 151-2024 RESOLUTION REQUESTING APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM THE COUNTY OF SOMERSET IN THE AMOUNT OF \$1,540.00

WHEREAS, N.J.S.A 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Lebanon has received funding from the County of Somerset in the amount of \$1,540.00; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$1,540.00, received from the County of Somerset; and

BE IT FURTHER RESOLVED that the like sum of \$1,540.00 be appropriated under the title “Drunk Driving Fund”; and

BE IT FURTHER RESOLVED that the Township Clerk and Chief Financial Officer are authorized to execute and forward the Director of the Division of Local Government Services the appropriate documentation required for the Director’s approval.

Ms. Koehler asked for a motion to adopt Resolution No. 151-2024.

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

UNFINISHED BUSINESS

1. Fire Department Capital Request – Fire Engine/Pumper Truck. The Committee discussed the request and reviewed how the purchase would be funded. Mr. McKee advised he would like to meet with the Chief Financial Officer to go over how the purchased would be handled without full funds currently available. Mr. Wojcik advised there may be a grant or grants available to offset the cost. Mr. Wojcik also noted there may be an option to lease vs. purchase. Mr. Warren Gabriel III, Fire Department Chief, to reach out to the vendor and confirm if this is an option. Mr. McKee and Mr. Wojcik to gather more details and bring back to the Committee during the 10/2 meeting.

NEW BUSINESS

1. Code of Conduct. The Committee was provided a copy of the code that Ms. Koehler worked up. Ms. Koehler advised she would like to Committee to review and then discuss further at the 10/2 meeting. A Resolution will be available to adopt if the Committee is in agreeance.
2. Storm Outages – JCP&L. Ms. Koehler provided details regarding a meeting she attended with JCP&L advising of their continued upgrade of equipment and restoration after a storm.
3. Resignation of Heidi McKee, Park and Historian Committee Member. Ms. Koehler thanked Ms. McKee for her service.
4. Resignation of Jane Kent, Park Committee Member. Ms. Koehler thanked Ms. Kent for her service.

Ms. Koehler asked for a motion to accept the resignation of Ms. McKee and Ms. Kent.

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

5. DPW Request to Purchase Buffalo Turbine Blower, \$7,475.00. Mr. Wunder reviewed the request. Ms. Budd advised the purchase would be made with Clean Communities Grant Funds. The Committee was in consensus to make the purchase. Ms. Budd to have a Resolution to award the quote to Frank Rymon and Sons at the 10/2 meeting.

PRESENTATION OF VOUCHERS

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

Ms. Koehler asked for a motion to approve vouchers and the bill list.

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

The Township Committee approved the September 18, 2024, bill list in the amount of \$9,410.03.

PUBLIC COMMENT (limited to three minutes per speaker)

Ms. Koehler made a motion and asked for a second to open Public Comment.

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

Public Comment: Hagedorn, Point Mountain Road, Trees.

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

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

CORRESPONDENCE

1. August 2024 Department Head Report
2. Local Leaders for Responsible Planning Correspondence

Correspondence were provided to the Committee.

EXECUTIVE SESSION

NO. 152-2024 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 NAR Group, LLC, insurance claim, shared service agreement, Naccarato vs. Lebanon Township. 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: legal advise. 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: CFO position. 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 and adopt Resolution No. 152-2024.

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

Mayor and Committee entered Executive Session at 7:51 p.m.

Mayor and Committee closed Executive Session at 8:46 p.m.

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

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

Ms. Koehler asked for a motion to approve the 9/4/2024 Executive Session Meeting Minutes as amended.

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

ADJOURNMENT

Having no further business to conduct, Ms. Koehler made 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 8:46 p.m.

Respectfully Submitted:

Carolynn Budd, RMC
Township Clerk

Beverly Koehler, Mayor

Date Approved