

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

October 16, 2024

7:00 p.m.

CALL TO ORDER

Mayor Beverly Koehler called the meeting to order at 7:09 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 for those effected by Hurricanes Helene and Milton.

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
9 Members of the Public

PRESENTATION OF MINUTES

10/2/2024 Regular Session Meeting Minutes
10/2/2024 Executive Session Meeting Minutes

Ms. Koehler asked for a motion to approve the 10/2/2024 Regular Session and Executive Session Meeting Minutes.

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

ORDINANCE FOR INTRODUCTION

NO. 14-2024 ORDINANCE AMENDING CHAPTER 214, ARTICLE II, §214-17 “INSPECTION FEE” AND CHAPTER 205, ARTICLE II, §205-6 “SCHEDULE OF FEES” OF THE CODE OF THE TOWNSHIP OF LEBANON

BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 214, Article II, §214-17 of the Township Code entitled “Inspection fee” and Chapter 205, Article II, §205-6 of the Township Code entitled “Schedule of fees” be and are hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. § 214-17 Inspection fee.

The fee for conducting each inspection **and reinspection** is set forth in Chapter **205**, Article **II**, Fee Schedule.

SECTION 2. § 205-6 Schedule of fees.

Smoke-sensitive alarm devices and fire extinguishers, inspection fee (Ch. **214**, Art. **II**) ~~\$60~~**65**
Smoke-sensitive alarm devices and fire extinguishers, reinspection fee (Ch. 214, Art. II) \$55

SECTION 3. 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 4. 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 5. Effective Date.

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

Ms. Koehler advised the public hearing is scheduled for Wednesday, November 6, 2024.

Ms. Koehler asked for a motion to introduce Ordinance No. 14-2024.

Motion to Introduce: Mr. Wunder

Second: Mr. McKee

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

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

NO. 12-2024 ORDINANCE AMENDING ARTICLE I, CHAPTER 380 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED “WATER”

WHEREAS, the regulation of potable water from private wells when selling real estate in New Jersey is set forth at N.J.S.A. 58:12A-26 to 37 (the “Private Well Testing Act”) and N.J.A.C. 7:9E-3.1 to 5.1; and

WHEREAS, Chapter 380 of the Township Code, entitled “Water” also regulates potable water from private wells, including the requirement that a drinking water certificate from the Township Board of Health be issued for a certificate of occupancy to be issued by the Construction Official upon the sale or transfer of title to the property that has a private drinking well; and

WHEREAS, to avoid any conflict between the Private Well Testing Act and its related regulations, the Township Committee desires to amend Chapter 380 of the Township Code such that potable water from private wells upon the sale of real property shall be regulated by the Private Well Testing Act and the related regulations set forth at N.J.A.C. 7:9E-3.1 to 5.1.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 380 of the Township Code entitled “Water” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. Chapter 380 Water

Article I Safe Drinking Water Standards

§ 380-1 Definitions.

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

BOARD OF HEALTH

The Lebanon Township Board of Health or any member or agent thereof designated by that Board to act in its place in administering or enforcing the provisions of this article. Whenever the Board of Health designates someone to act in its stead, any person aggrieved by the actions of such designee shall have the right to have such action reviewed by the entire Board of Health.

OWNER

The person having legal title to the premises where drinking water is available.

QUALIFIED LABORATORY

A facility certified by the State of New Jersey pursuant to regulations promulgated under the Safe Drinking Water Act as capable of performing tests to determine the contents of water.

SAFE DRINKING STANDARDS

The current standards of the State of New Jersey promulgated pursuant to the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) as adopted by the Township and the standards set

forth in § 380-10.

TRANSFER OF TITLE

A sale or other conveyance of an ownership interest in real estate from one person to another other than the following transfers:

- A. From one spouse to another where the transferee occupied the premises prior to the conveyance; and
- B. A transfer of title caused by the death of an owner to his heirs at law, surviving tenants or beneficiaries under his will.

WATER SUPPLY SYSTEM

Any individual well, cistern, spring or source of drinking water.

§ 380-2 Exemption.

Water supply systems which are regulated in accordance with the New Jersey Safe Drinking Water Act through N.J.A.C. 7:10-1 et seq. by the New Jersey Department of Environmental Protection and Energy and those subject to and regulated by Private Well Testing Act, N.J.S.A. 58a2A-26 to 27 and N.J.A.C. 7:9E-3.1 to 5.1, shall be exempt from the provisions of this article.

§ 380-3 Declaration of contamination; corrective action.

Any water supply system within the Township shall be declared contaminated if the water produced therefrom does not meet safe drinking standards as set forth in § 380-10. The Board of Health shall have the power to order appropriate corrective action by the owner of such water supply system and shall be empowered to prohibit human consumption of such water until the water meets safe drinking standards.

§ 380-4 Drinking water certificate; when required.

Except as provided in § 380-9, a drinking water certificate shall be obtained by the owner of any structure within the Township serviced by a water supply system upon the happening of any of the following events:

- ~~A. The sale or transfer of title to another person of such structure or any part thereof; or~~
- ~~B. A.~~ The change of a water supply source.

§ 380-5 Water samples submitted for analysis.

Whenever a drinking water certificate is required, a qualified laboratory shall draw and evaluate the sample and submit the same to the Lebanon Township Board of Health. The analysis shall be for the presence of the contaminants listed in § 380-10.

§ 380-6 Review of analysis by Board of Health.

The Board of Health shall review the analysis to insure that any contaminants do not exceed the minimum standards listed in § 380-10. Upon such review, the Board of Health may also require additional testing.

§ 380-7 Issuance of drinking water certificate.

A. When the test results show that the water is within all applicable standards, the Board of Health shall issue a drinking water certificate attesting to such compliance.

B. This drinking water certificate shall also show the test results for the inforamatory contaminant levels set forth in § 380-13. ~~However, results exceeding the standards therein set forth shall not preclude the issuance of a certificate of occupancy under § 380-8.~~

§ 380-8 Certificate of occupancy contingent upon drinking water certificate.

~~No certificate of occupancy shall be issued until a drinking water certificate is presented to the Construction Official, and no water supply system shall be put into service unless the owner shall have received a drinking water certificate.~~

§ 380-9 Effective period of certificate; transfer of title.

A drinking water certificate shall be effective for a period of six months from the date of issuance. Any transfer of title which occurs during the effective period of the certificate shall be permitted without the necessity of obtaining a new certificate.

§ 380-10 **Binding contaminant levels.**

A. Binding contaminant levels are as follows:

(1) Inorganic.

Contaminant	Standard
Nitrate (N)	10.0 mg/L
Iron (Fe)	0.3 mg/L
Manganese (Mn)	0.05 mg/L
pH	6.5 - 8.5
Lead (Pb)	15. PPM

(2) Organic. All volatile organic compounds for which maximum contaminant levels have been established pursuant to N.J.S.A. 58:12A-1 et seq. shall also be tested.

B. The coliform bacteria count shall be less than 1 per 100 ml (membrane filter technique) or shall be less than 2.2 per 100 ml (multiple fermentation tube method).

C. The water test shall include a forty-eight-hour gross alpha test for radium, provided the Department of Environmental Protection has identified a sufficient number of laboratories certified to perform such test.

§ 380-11 **Violations and penalties; failure to obtain certificate.**

Any person who fails to obtain a drinking water certificate as required under this article shall be subject to the penalties set forth in Chapter 1, Article II, General Penalty.

§ 380-12 **Copies appended to all real estate tax searches.**

Copies of this article shall be appended to all real estate tax searches issued by the Lebanon Township Tax Search Officer.

§ 380-13 **Informatory contaminant levels.**

Contaminant	Nonenforcement Standard
Iron	0.3 mg/L
Manganese	0.05 mg/L
pH	Level shall be between 6.5 and 8.5

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. Abuchowski
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.

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

Ms. Koehler asked for a motion to adopt Ordinance No. 12-2024.

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

NO. 13-2024 ORDINANCE AMENDING CHAPTER 325, ARTICLE II, §325-11 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED “FEES; CASH DEPOSIT; PUBLIC UTILITY CORPORATIONS”

BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that Chapter 325, Article II, §325-11 of the Township Code entitled “Fees; cash deposit; public utility corporations” be and is hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. § 325-11 Fees; cash deposit; public utility corporations.

A. – C. *No changes.*

D. If a cash bond is not provided pursuant to § 325-11 B or § 325-11 C above, the applicant or public utility corporation, as the case may be, shall also be required to post an escrow fund with the Township in an amount to be determined by the Township Engineer to cover the cost of engineering, inspections, legal services, or other necessary costs to the Township that are directly related to the project, prior to the issuance of any permit. Within two months after completion and final approval of the project or openings, which also means two months after the expiration of the eighteen-month maintenance period specified in § 325-15E below, all unexpended moneys remaining shall be returned to the applicant, except for an additional amount of \$25 which shall be retained by the Township as its final application fee

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

Seeing and hearing no one wishing to speak, Ms. Koehler asked for a motion to close public comment.

Motion to Close: 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. 13-2024.

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

RESOLUTIONS

NO. 163-2024 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 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 adopt Resolution No. 163-2024.

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

NO. 164-2024 RESOLUTION REQUESTING APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$66,000.00

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 New Jersey Department of Community Affairs in the amount of \$66,000.00; 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 \$66,000.00, received from New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED that the like sum of \$66,000.00 be appropriated under the title “NJDCA Local Recreation Improvement Grant”; 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. 164-2024.

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

NO. 165-2024 RESOLUTION REQUESTING APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM HUNTERDON COUNTY IN THE AMOUNT OF \$37,000.00

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 Hunterdon County in the amount of \$37,000.00; 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 \$37,000.00, received from Hunterdon County; and

BE IT FURTHER RESOLVED that the like sum of \$37,000.00 be appropriated under the title “Hunterdon County Municipal Infrastructure Grant”; 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. 165-2024.

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

NO. 166-2024 RESOLUTION AUTHORIZING REFUND OF HIGHLANDS EXCEPTION ESCROW FOR 43 ANTHONY ROAD, BLOCK 49, LOT 76

WHEREAS, Mohammed Khan issued a check on May 10, 2024, for a Highlands Exception Escrow for 43 Anthony Road, Block 49, Lot 76 with the Township of Lebanon; and

WHEREAS, and exemption was already in place for the property, previously issued by NJDEP in 2013; and

WHEREAS, an additional exemption at the Township level is not necessary; and

WHEREAS, the escrow balance of \$750.00 should be refunded.

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 \$750.00 to Mohammed Khan.

Ms. Koehler asked for a motion to adopt Resolution No. 166-2024. Mr. Wojcik requested the Resolution be tabled to allow additional time to review. Mr. Wojcik made a motion to table, seconded by Mr. Wunder.

Motion to Table: Mr. Wojcik
Second: Mr. Wunder

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

NO. 167-2024 RESOLUTION APPOINTING TEMPORARY CHIEF FINANCIAL OFFICER PURSUANT TO N.J.S.A. 40a:9-140.13(f)

WHEREAS, the Township’s long time Chief Financial Officer Greg Della Pia resigned his position effective August 31, 2024, thereby creating a vacancy in that position; and

WHEREAS, there exists a need to appoint a temporary Chief Financial Officer pursuant to N.J.S.A. 40A:9-140.13(f), until such time as the vacancy can be filled; and

WHEREAS, the Township Committee desires to appoint Township Clerk Carolynn Budd as temporary Chief Financial Officer effective October 17, 2024, and to fill said position until such time as the vacancy is filled, for a period of time not to exceed one year, and for no additional compensation.

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 appoint Carolynn Budd as temporary Chief Financial Officer effective October 17, 2024 and Ms. Budd shall fill said position until such time as the vacancy is filled, for a period of time of time not to exceed one year, and for no additional compensation.

Mr. Roselli provided details on the statute and the temporary appointment.

Ms. Koehler asked for a motion to adopt Resolution No. 167-2024.

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

NO. 168-2024 RESOLUTION AUTHORIZING JONATHAN E. DRILL, ESQ. TO ENTER APPEARANCE AND REPRESENT THE MAYOR AND TOWNSHIP COMMITTEE AND TOWNSHIP ZONING OFFICER IN PENDING LITIGATION

WHEREAS, the Mayor and Township Committee of the Township of Lebanon were named as defendants in a litigation matter filed by The Nar Group, Inc., in the matter entitled, The NAR GROUP, INC. v. LEBANON TOWNSHIP PLANNING BOARD, MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, LEBANON TOWNSHIP ZONING BOARD OF ADJUSTMENT and SAVE LEBANON TOWNSHIP COALITION, Superior of New Jersey, Docket No. HNT-L-454-22 (hereinafter the “First Litigation”); and

WHEREAS, the Mayor and Township Committee of the Township of Lebanon and John Fleming, Township Zoning Officer were named as defendants in a litigation matter filed by The Nar Group, Inc., in the matter entitled, The NAR GROUP, INC. v. MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, and JOHN FLEMING, LEBANON TOWNSHIP ZONING OFFICER, Superior of New Jersey, Docket No. HNT-L-363-24 (hereinafter the “Second Litigation”); and

WHEREAS, because the First Litigation and Second Litigation include claims for monetary damages, the Township SIF authorized and appointed Florio Perrucci Steinhardt Cappelli & Tipton, LLC, to defend and represent the Mayor and Township Committee in the First Litigation and the Mayor, Township Committee and the Township’s Zoning Officer in the Second Litigation; and

WHEREAS, the Township Committee believes it is also in the Township’s best interest to authorize Jonathan E. Drill, Esq., of the firm, Stickel, Koenig, Sullivan & Drill, LLC, to enter an appearance as co-counsel in the First Litigation and Second Litigation to represent and defend the Mayor and Township Committee in the First Litigation, and the Mayor, Township Committee and the Township’s Zoning Officer in Second Litigation.

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 authorize Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill, LLC to enter his appearance as co-counsel with Florio Perrucci Steinhardt Cappelli & Tipton, LLC, to defend and represent the Mayor and Township Committee in the matter entitled, THE NAR GROUP, INC. v. LEBANON TOWNSHIP PLANNING BOARD, MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, LEBANON TOWNSHIP ZONING BOARD OF ADJUSTMENT and SAVE LEBANON TOWNSHIP COALITION, Superior of New Jersey, Docket No. HNT-L-454-22the Litigation.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that it does hereby authorize Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill, LLC to enter his appearance as co-counsel with Florio Perrucci Steinhardt Cappelli & Tipton, LLC, to defend and represent the Mayor, Township Committee and John Fleming, the Township Zoning Officer, in the matter entitled, The NAR GROUP, INC. v. MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, and JOHN FLEMING, LEBANON TOWNSHIP ZONING OFFICER, Superior of New Jersey, Docket No. HNT-L-363-24.

BE IT FURTHER RESOLVED that Jonathan E. Drill, Esq., shall be compensated for these legal services in accordance with the terms and conditions, including hourly rate, of his present contract with the Township’s Zoning Board of Adjustment and that a copy of this resolution shall be sent to Jonathan E. Drill, Esq.

Mr. Roselli provided details on the Resolution.

Ms. Koehler asked for a motion to adopt Resolution No. 168-2024.

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

UNFINISHED BUSINESS

1. Fire Officials Recommendations for Changes to the Township Code – Fire Lanes. The Committee reviewed the information provided by Mr. Terry Lawler, Fire Official. The request is to add wording to the Township Code for fire lanes on public property. Mr.

Roselli reviewed the difference between public and private property. After review the Committee was in consensus to move forward with adding fire lines wording to the Township Code. Mr. Lawler to work with the Committee and Mr. Roselli on such.

NEW BUSINESS

1. Cancellation of 11/20 Committee Meeting. The Committee discussed and agreed to cancelling the 11/20 meeting.

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

2. 2024 Best Practices. Mr. Koehler and Ms. Budd provided an overview of the questions and the score the Township received. The Township scored 35 and no aid will be withheld.

PRESENTATION OF VOUCHERS

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

Ms. Koehler advised there was a discrepancy with the amount for current account, the correct amount should be \$109,779.85. Ms. Koehler also advised the amount of \$750.00 for a refund of Resolution No. 166-2024 should be deducted from developer's escrow, changing the amount to \$1,482.50. The amended total bill list amount is \$111,262.35.

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

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

The Township Committee approved the October 16, 2024, bill list in the amount of \$109,779.85, Developer's Escrow \$1,482.50. Total bill list \$111,262.35

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

Public comment: 910 Ravine Road.

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

EXECUTIVE SESSION

NO. 169-2024 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) insurance claim, shared service agreement, The NAR Group, LLC. 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: . The public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; the employee(s) and/or general nature of discussion is: . And whereas the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore, this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists;

Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit.

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Ms. Koehler asked for a motion to open Executive Session and adopt Resolution No. 169-2024.

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

Mayor and Committee entered Executive Session at 8:05 p.m.

Mayor and Committee closed Executive Session at 9:08 p.m.

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

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

Meeting adjourned at 9:08 p.m.

Respectfully Submitted:

Carolynn Budd, RMC
Township Clerk

Beverly Koehler, Mayor

Date Approved