



**JOINT MEETING OF THE  
LEBANON BOROUGH COMMON COUNCIL AND  
THE LEBANON BOROUGH PLANNING BOARD/BOA  
MINUTES**

**FEBRUARY 17, 2010**

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor Mark Paradis at 7:00 p.m.

The meeting was convened in compliance with the Open Public Meeting Act of 1975; notice was sent to three local newspapers and posted on the bulletin board at Borough Hall.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mayor Paradis.

**ROLL CALL:**

Present: Councilman Burton, Councilman Reino, Council President Quick, Councilman Coyle, Councilman Berger, Councilwoman Bross, Mayor Mark E. Paradis, William Skene, Estelle Butler, Joseph Hauck, Sue Lachenmayr, Henry Hopkins, David Abeles, Dr. Uchrin, and Matt Katzenback

Absent: None

Also Present: Attorney Joseph Novak, Clerk Karen Romano

**MOMENT OF SILENCE:**

Mayor Paradis stated a total of 4,380 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 78. Mayor Mark Paradis requested a moment of silence in remembrance of all service men and women, who have paid the supreme sacrifice on behalf of a grateful nation, they are truly heroes.

**HIGHLANDS PRESENTATION:**

Highlands Status: Lebanon Borough

The Planning Board unanimously approved the submission of the Petition for Basic Plan Conformance and the Governing Body adopted a Resolution to conform all of the lands in the Borough to the RMP. The petition for Basic Plan Conformance was submitted to the Highlands Council on December 8, 2009. All of the lands in the municipality are included in the Planning Area of the Highlands where conformance with the Highlands Regional Master Plan is voluntary.

The Petition was deemed complete on February 4, 2010.

A Regional Map Update was also submitted on December 8, 2009 to reflect the current improved status of the Bellmead site in the Rt. 78 Corporate Center.

A review of the initial affordable housing and fair share plan was forwarded to Highlands as required on March 1, 2010. The final plans will be submitted to COAH on or before the June 8, extended deadline.

Next Steps in the Highlands conformance process: Highlands issues a consistency review report on the Boroughs submissions which include the draft Master Plan with Highlands's revisions and Land Use Ordinance with Highlands's revisions.

The municipality will be able to respond to the consistency report and Basic Plan Conformance consistency must be recommended to the Highlands Council for adoption.

Going forward to full plan conformance- there will be additional grant money to comprehensively rewrite the Master Plan and Ordinances and complete environmental plans and ordinances. The municipality and the Highlands staff will negotiate an implementation schedule for Full Plan Conformance.

**MOTION OF PETITION FOR BASIC PLAN CONFORMANCE TO COUNCIL:**

Vice Chairwoman Lachenmayr requested a motion of Petition for Basic Plan Conformance to Council. Dr Uchrin made the motion of Petition for Basic Plan Conformance to Council. With a second from Mr. Hauck the motion passed by the following vote.

**The motion passed with the following roll call vote:**

**Ayes: Butler, Hauck, Lachenmayr, Hopkins, Uchrin,  
Paradis, Abeles, Katzenback, Quick, Skene**

**Nays: None**

**Absent: Saharic**

**ADJOURN : Planning Board/ BOA:**

Vice Chairwoman Lachenmayr requested a motion to adjourn the Planning Board/ BOA.

**Dr. Uchrin moved, Mr. Hauck seconded a motion to adjourn, there being no further business to come before the Board.** The motion was passed by unanimous vote. The meeting was adjourned at 7:45 p.m.

**RESOLUTION # 37-2010:**

**Councilman Burton made a motion to approve Resolution 37-2010 the Consent Agenda with a second by Councilman Reino.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION # 37-2010  
CONSENT AGENDA  
February 17, 2010**

All matters listed under the Consent Agenda are considered to be routine by the Governing Body of Lebanon Borough and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired that item may be removed from the Consent Agenda and considered separately.

1. St. Hubert's Report
2. Highlands letter
3. Comcast
4. NJDEP –Lebanon Borough Historic District
5. Freeholder letter regarding truck depot
6. Hunterdon County Utilities Authority
7. Tax Assessor Report

Introduced and adopted: February 17, 2010

Ayes: 6  
Nays: 0  
Absent: 0

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R. Gary Quick, Council President

**CERTIFICATION**

I, Karen Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the February 17, 2010 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

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Karen M. Romano, RMC  
Borough Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**APPROVAL OF MINUTES:**

**Councilman Berger made a motion to accept the Regular Meeting Minutes of January 20, 2010 and the Executive Minutes of January 20, 2010. With a second by Councilman Coyle. The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Coyle, Councilman Burton and Councilman Berger**

**NO: None**

**ABSTAIN: None**

**APPROVAL OF EXPENDITURES:**

**Councilman Berger made a motion to approve the bill list for February 2010. Councilman Burton seconded the motion.**

Report Printed 2010-02-16 16:24:32 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
<b>Current Fund</b>			
41 - ANJEC	PO 3026 2010 MEMBERSHIP DUES	280.00	280.00
142 - CLINTON FIRST AID & RESCUE SQUAD	PO 3023 PAYMENT FOR SERVICES	4,000.00	4,000.00
254 - CLOVER HILL LANDSCAPING LLC	PO 3013 SNOW REMOVAL SVCS, INV 2146 1-28-20	833.00	833.00
254 - CLOVER HILL LANDSCAPING LLC	PO 3021 SNOW REMOVAL SVCS, INV 2155 2-3-201	991.00	991.00
254 - CLOVER HILL LANDSCAPING LLC	PO 3033 SNOW REMOVAL 2-6-2010	3,015.00	3,015.00
6 - CONLEY & SOZANSKY, LLC	PO 3006 SPECIAL TAX COUNSEL SVC FOR OCT/DEC	586.16	586.16
38 - COUNTY OF HUNTERDON	PO 2992 GASOLINE AND DIESEL FUEL FOR DEC 20	490.99	490.99
38 - COUNTY OF HUNTERDON	PO 3030 GASOLINE/DIESEL FUEL FOR JAN 2010	689.25	689.25
325 - ELEPHANT OUTLOOK	PO 3044 EXCHANGE MAILBOXES FOR FEB 2010, I	209.30	209.30
39 - ELIZABETHTOWN GAS	PO 3015 NATURAL GAS SVC FOR HIGH ST, ACCT 6	3,435.27	
	PO 2993 NATURAL GAS SVC FOR JAN 2010, ACCT	261.15	3,696.42
	PO 2994 ENG SVCS FOR DECV 2009, INV 42804	120.00	120.00
46 - FERRIERO ENGINEERING	PO 3018 LEGAL SVCS FOR NOV 2009/JAN 2010 -	2,920.43	2,920.43
98 - GEBHARDT & KIEFER	PO 3014 2010 MEMBERSHIP DUES FOR KAY WINZEN	90.00	90.00
56 - GFOA OF NEW JERSEY	PO 3022 REINFORCING ROD, INV 286468	13.68	13.68
12 - HK BUZBY & SONS	PO 2996 DENTAL INSURANCE FOR MAR 2010, ACCT	341.55	341.55
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 3000 LUNCHEON MEETING FOR FEB 4TH	17.00	17.00
53 - HUNTERDON COUNTY CLERK'S ASSO	PO 2997 LEGAL ADS FOR JAN 2010, ACCT L90118	282.70	282.70
54 - NJN PUBLISHING	PO 2998 ELECTRIC SVCS FOR ACCT 100002994224	1,250.02	1,250.02
16 - JCP&L	PO 2999 ELECTRIC SVC, ACCT 100078115498/100	1,406.88	1,406.88
16 - JCP&L	PO 2761 TRASH REMOVAL SVCS FOR DEC 2009, CO	4,832.13	4,832.13
28 - KASPER DISPOSAL SERVICE	PO 2951 JAN TRASH REMOVAL SVC, CONTRACT 030	4,832.96	4,832.96
28 - KASPER DISPOSAL SERVICE	PO 3037 LOCAL SCHOOL TAX, MARCH 2010	220,464.40	220,464.40
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 3027 PROF SVCS FOR JAN 2010 OPRA SPECIAL	144.00	144.00
326 - MASON, GRIFFIN & PIERSON, PC	PO 3016 FUEL OIL FOR 96 MAIN ST, ACCT 50-23	526.22	526.22
294 - MEENAN OIL CO	PO 2956 DATA PROCESSING SVCS FOR 2010, INV	1,960.67	1,960.67
9 - MUNICIPAL SOFTWARE, INC	PO 2776 POLICE SERVICES FOR DEC 2009, ACCT	3,913.44	3,913.44
253 - NEW JERSEY STATE POLICE			

224 - NJ SHADE TREE FEDERATION	PO 3025	2010 MEMBERSHIP DUES	95.00	95.00
52 - NJAPZA	PO 3001	2010 MEMBERSHIP DUES	45.00	45.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 3035	REGIONAL SCHOOL TAX FOR MARCH 2010	186,959.04	186,959.04
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 3002	JAN/FEB 2010 MUNICIPAL COURT SVC	9,789.32	9,789.32
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 3034	ADVERTISING COSTS PER ORDER OF JUDG	630.02	630.02
31 - NOVAK & NOVAK	PO 3003	LEGAL SVCS FOR DEC 2009	469.00	469.00
233 - PITNEY BOWES	PO 3004	POSTAGE MACHINE LEASE FOR FEB/MAY 2	96.00	96.00
68 - POLAND SPRING WATER CO	PO 3005	BOTTLED WATER, ACCT 0430758649	51.15	51.15
48 - RECORDER PUBLISHING CO., INC	PO 3032	LEGAL ADS FOR JAN 2010, ACCT 000790	74.77	74.77
303 - SHARP ELECTRONICS CORPORATION	PO 3012	COPIER LEASE FOR FEB 2010, CONTRACT	184.46	184.46
369 - STICKEL KOENIG & SULLIVAN	PO 3008	CBS OUTDOOR LEGAL SVCS, FOR DEC 200	4,364.25	4,364.25
368 - THOMAS L YAGER & ASSOC	PO 3009	PROF SVCS FOR DEC 2009, INV 13940	145.00	145.00
43 - TOWN OF CLINTON	PO 3020	WATER BILL FOR 96 MAIN/6 HIGH ST, A	74.00	74.00
66 - TREASURER, STATE OF NEWJERSEY	PO 3019	STORMWATER DISCHARGE PERMIT RENEWAL	1,050.00	1,050.00
11 - VITAL SERVICES GROUP	PO 3024	MONTHLY CONTRACT/MOD IV TAPE, INV 3	425.00	
	PO 3010	ACCOUNTS RECEIVABLE LEDGER, INV 396	35.00	460.00
192 - WALMART BUSINESS	PO 3011	KITCHEN SUPPLIES, ACCT 603220253036	76.50	76.50
27 - WASTE MANAGEMENT OF NJ INC	PO 2980	SOLID WASTE DISPOSAL FOR JAN 2010,	3,574.32	3,574.32

TRUST FUNDS

321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 3043	JANUARY DOG LICENSES	150.60	150.60
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GENERAL CAPTITAL FUND

46 - FERRIERO ENGINEERING	PO 2995	CENTRAL STREET SIDEWALKS, INV 42749	517.50	517.50
219 - KEY TECH	PO 3017	MAIN ST. RESURFACING PROJECT, INV 3	1,500.00	1,500.00
383 - S. BROTHERS INC.	PO 3007	MAIN STREET RESURFACING PROJ, SECTI	9,130.09	9,130.09
184 - SSP ARCHITECTURAL GROUP	PO 3045	REIMBURSABLE EXPENSE, PROJ 007481.	1,659.90	1,659.90

TOTAL

479,003.12

Total to be paid from Fund 01 Current Fund	466,045.03
Total to be paid from Fund 03 TRUST FUNDS	150.60
Total to be paid from Fund 04 GENERAL CAPTITAL FUND	12,807.49
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	479,003.12

Checks Previously Disbursed

99999	LEBANON BOROUGH PAYROLL	PAYROLL 1-29-2010	10,202.88	1/29/2010
99999	LEBANON BOROUGH PAYROLL	PAYROLL 2-12-2010	6,597.91	2/12/2010
99999	LEBANON BOROUGH PAYROLL	PAYROLL 1-15-2010	4,500.39	1/15/2010
187	Lebanon Boro General Store	PO# 2987 PIES IN THE PARK	30.00	2/16/2010
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			21,331.18	

Total paid from Fund 01 Current Fund	21,301.18
Total paid from Fund 03 TRUST FUNDS	30.00
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	21,331.18

Total for this Bills List: 500,334.30

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino, Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**OPEN PUBLIC SESSION #1:**

**Councilman Reino made a motion to open the public session. Council President Quick seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Council President Quick made a motion to close the public session. Councilwoman Bross seconded the motion with the unanimous approval of Council the floor was closed.**

**OPEN PUBLIC SESSION ORDINANCE 2010-01:**

**Councilman Reino made a motion to open the public session. Councilman Burton seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Councilman Burton made a motion to close the public session. Councilman Reino seconded the motion with the unanimous approval of Council the floor was closed.**

**ORDINANCE# 2010-01:**

**Councilman Reino made a motion to adopt Ordinance 2010-01 with a second by Councilman Berger.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE 2010-01**

**AN ORDINANCE BY THE BOROUGH OF LEBANON  
IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY  
TO EXCEED THE INDEX RATE FOR THE 2010 BUDGET**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to two and one-half percent (2.5%) unless authorized by ordinance to increase it to three and one-half percent (3.5%) the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the three and one-half (3.5%) percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Governing Body of the Borough of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its 2010 budget by up to three and one half percent (3.5%) over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

**WHEREAS**, the Governing Body hereby determines that a three and one half percent (3.5%) increase in the budget for said year, amounting to \$33,140.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

**WHEREAS**, the Governing Body of the Borough of Lebanon hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2010 budget year, the final appropriations of the Borough of Lebanon shall, in accordance with the ordinance and NJSA 40A: 4-45.14 be increased by 3.5%, amounting to \$33,140.10, and that the 2010 municipal budget for the Borough of Lebanon be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and, **BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

\_\_\_\_\_  
R. Gary Quick, Council President

Vote after public hearing and upon final adoption:

Burton 1  
Quick 1  
Reino 1  
Coyle 1  
Bross 0  
Berger 1

Ordinance approved by the Governing Body  
and presented to the Mayor on February 17, 2010.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark E. Paradis, Mayor  
Date:

\_\_\_\_\_  
Mark E. Paradis, Mayor  
Date: February 17, 2010

Returned to Borough Clerk with  
statement attached on \_\_\_\_\_

Introduced: January 20, 2010  
Adopted: February 17, 2010

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**NOTICE OF FINAL PASSAGE**

**ORDINANCE 2010-1**

**NOTICE**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of January 2010, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of February 2010 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: January 20, 2010  
ADOPTED: February 17, 2010**

**The motion to introduce passed by the following roll call vote:**

**YES: Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: Councilwoman Bross**

**OPEN PUBLIC SESSION ORDINANCE 2010-02:**

**Councilwoman Bross made a motion to open the public session. Councilman Reino seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Councilwoman Bross made a motion to close the public session. Councilman Reino seconded the motion with the unanimous approval of Council the floor was closed.**

**ORDINANCE# 2010-02**

Councilman Reino made a motion to introduce Ordinance 2010-02 with a second by Councilman Berger.

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE #2010-02**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 89-14 REQUIRING THE LICENSING OF  
CATS IN THE BOROUGH OF LEBANON**

**WHEREAS**, the Board of Health of the Borough of Lebanon has recommended the repeal of the Cat Licensing Ordinance #;

**WHEREAS**, such recommendation was based upon the information made available by the Borough Veterinarian including the difficulties of effective administration and enforcement of the cat licensing Ordinance, the recognition that cat licensing is not required by the State of New Jersey, and recognition that cat owners will be more willing to take advantage of rabies inoculations for their cats without the necessity of annual cat licensing registration.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Lebanon with the approval of the Mayor as follows:

**Section 1 - Repeal.**

Ordinance #89-14 “An Ordinance for the Licensing of Cats in the Borough of Lebanon, County of Hunterdon, State of New Jersey” is hereby repealed, effective immediately.

**Section 2 – Severability.**

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

**Section 3 - Effective Date**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen M. Romano  
Borough Clerk

\_\_\_\_\_  
R. Gary Quick, President

Vote after public hearing and upon final adoption:

Berger \_\_\_

Bross \_\_\_

Coyle \_\_\_

Quick \_\_\_

Reino \_\_\_

Burton \_\_\_

Ordinance approved by the Governing Body and presented to the Mayor on\_\_\_\_\_.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2010

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 17, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on March 24, 2010 at 7:00 p.m. at 6 High Street, Lebanon, New Jersey 08833.

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Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: February 17, 2010**  
**ADOPTED:**

**The motion to introduce passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**OPEN PUBLIC SESSION ORDINANCE 2010-03:**

**Council man Reino made a motion to open the public session. Councilman Coyle seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Councilman Reino made a motion to close the public session. Councilman Coyle seconded the motion with the unanimous approval of Council the floor was closed.**

**ORDINANCE# 2010-03**

Councilman Reino made a motion to introduce Ordinance 2010-03 with a second by Councilman Berger.

**BOROUGH OF LEBANON**

**COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE # 2010-03**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, STATE OF  
NEW JERSEY TO PROHIBIT LITTERING**

**WHEREAS**, littering of public and/or private property creates unhealthy and unsightly conditions to the detriment of the general public, neighboring property owners, and the community at large; and

**WHEREAS**, the legislature has delegated to municipalities, the authority to adopt Ordinances as they may deemed necessary for the protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants pursuant to the N.J.S.A. 40:48-2 et. seq.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Lebanon with the approval of the Mayor, an Ordinance prohibiting litter within the Municipality as follows:

***LITTER***

**Section 1 – Definitions**

As used in this chapter:

“Garbage” means putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

“Litter” means garbage, refuse and rubbish as defined herein and all other waste material.

“Private premises” means any dwelling house, commercial/industrial/or otherwise building, or other structure, designed or used either wholly or in part for private residential purposes, or for business or commercial or other purposes, whether uninhabited or temporarily or continuously inhabited or vacant, and shall include, but not be limited to, any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

“Public place” means all streets, sidewalks, boulevards, alleys, or other public ways, and all public parks, squares, spaces, grounds and buildings.

“Refuse” means all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

“Refuse Container” means any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

“Rubbish” means nonputrescible (not likely to grow rotten) solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, vehicles or vehicle parts, rubber tires, appliances, furniture and similar materials.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

## **Section 2 – General prohibitions.**

A. No person shall sweep, throw, deposit or dump litter in or upon any property whether occupied, open or vacant, with or without improvements, and whether owned by that person or by someone else, or in a public place or pond, lake or stream or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection.

B. No person shall throw or drop any bundle, object, article, litter or debris of any nature from a vehicle whether in motion or not when such vehicle is on a borough road or any other public highway in the Borough.

C. No person shall throw, place, deposit, discharge or drop any bundle, object, article or debris of any nature on any borough road, right-of-way, easement or on any other publicly owned land, except when acting under the authority of the Borough Governing Body.

D. No person shall store or permit the storage of household appliances, furniture, mattresses or tires on any residential property, except in a fully enclosed structure, or on specific days designated for the collection of such items by a private hauler, the Borough, or its agents.

E. No owner, agent or contractor in charge of a construction or demolition site shall permit the accumulation of litter, refuse, rubbish or garbage, before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent and contractor in charge of a construction site to furnish containers adequate to accommodate flyable and nonflyable debris, litter or trash at areas convenient to the construction areas, and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of the litter.

F. No owner, lessee, tenant, occupant or person in charge of any residential or commercial property shall permit open or overflow waste disposal bin on his or her property.

G. No person shall throw, deposit or store litter, junk or waste on any occupied private property within the Borough, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection and removal of same in such manner that same shall not be unsightly and detrimental to the surrounding

neighborhood. The owner or person in control of any private property shall at all times maintain the premises free of litter.

H. No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not. No person or persons shall throw, dump or place any garbage, trash, debris or other water material on any private property not his own within the limits of the Borough of Lebanon.

I. The owner, lessee, tenant, occupant or person in charge of any residential or other property, including but not limited to, commercial property shall keep and cause to be kept the sidewalk and curb abutting the residence, structure or building free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter. No person shall sweep into or deposit in any gutter, street, catch basin or other public place, any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

J. No operator of a vehicle shall permit any vehicle to be driven, moved, stopped or parked, on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefore.

K. The person who controls, whether owned, leased, or operated, a refuse container or dumpster must insure that such container or dumpster is covered at all times, and shall prevent refuse from spilling out or overflowing. The person who owns, leases or otherwise uses a refuse container or dumpster must insure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the Borough of Lebanon storm sewer system. Exceptions to this prohibition shall be litter receptacles (other than dumpsters or bulk containers), individual home trash and recycling containers, refuse containers at facilities authorized to discharge storm water under a valid NJPDES permit, and large bulky items (for example, furniture, bound carpet and padding, white goods placed curbside for pickup).

### **Section 3 – Use of litter receptacles.**

A container suitable for the depositing of litter (litter receptacles) and their servicing is required at the following public places which exist in the municipality, including:

A. Sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle;

B. Buildings held out for use by the public, including schools, government buildings, parks and drive-in restaurants;

C. All construction sites; gasoline service station islands; shopping centers; parking lots,

and street vendor locations or self-service refreshment areas;

D. And at special events to which the public is invited, including sporting events, parades, carnivals and festivals.

The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing litter receptacles and that adequate containerization is available.

**Section 4 – Removal of Litter.**

No person shall permit, allow or maintain litter in or on any of his property, either improved or vacant land and whether owned or leased in the Borough.

**Section 5. Enforcement of provisions; Penalties.**

The zoning enforcement officer, construction official, or any state police officer of the municipality is designated as officer in charge with the enforcement of this chapter. The governing body may designate by resolution, such assistant enforcement officers for the purposes of the enforcement of this chapter as are needed for such purposes.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereto, be subject to a fine or other penalty in the discretion of the Court and in accordance with the General Penalty Provisions of the Lebanon Borough Ordinances/Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Section 6. Severability.**

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

**Section 2 - Effective Date**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_

\_\_\_\_\_

Karen M. Romano, RMC  
Borough Clerk

R. Gary Quick, President

Vote after public hearing and upon final adoption:

Berger \_\_\_\_\_

Bross \_\_\_\_\_

Coyle \_\_\_\_\_

Quick \_\_\_\_\_

Reino \_\_\_\_\_

Burton \_\_\_\_\_

Ordinance approved by the Governing Body and presented  
to the Mayor on \_\_\_\_\_, 2010.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2010

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 17, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on March 24, 2010 at 7:00 p.m. at 6 High Street, Lebanon, New Jersey 08833.

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: February 17, 2010  
ADOPTED:**

**The motion to introduce passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**OPEN PUBLIC SESSION ORDINANCE 2010-04:**

**Council man Reino made a motion to open the public session. Councilman Coyle seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Councilman Reino made a motion to close the public session. Councilman Coyle seconded the motion with the unanimous approval of Council the floor was closed.**

**ORDINANCE# 2010-04**

Councilman Reino made a motion to introduce Ordinance 2010-04 with a second by Councilman Berger.

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2010-4**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON  
TO AMEND THE VARIOUS PENALTY PROVISIONS OF CURRENT ORDINANCES WITH  
THE ADOPTION OF A GENERAL PENALTY PROVISION**

**WHEREAS**, from its date of incorporation, the Borough of Lebanon has adopted numerous regulatory Ordinances, some of which provide for penalties upon violation; and

**WHEREAS**, several of the Ordinances have never been updated, with many penalty provisions being disparate, inappropriate or fail to address current circumstances, and

**WHEREAS**, the governing body has determined that uniformity in Ordinance penalty provisions can best be established through utilization of the power granted by the enabling state statute, N.J.S. 40:49-5. "Penalties for Violations of Municipal Ordinances."

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Lebanon with the approval of the Mayor, that there is hereby enacted an Ordinance, to repeal prior penalty provisions and establish a General Penalty Ordinance as follows:

**Section 1** - There is hereby enacted a General Penalty article of the Lebanon Borough Ordinances as follows:

**Title: General Penalty.**

Penalties for Violation of Municipal Ordinances

1. For violation of any of the provisions or sections of the Ordinances and Codes of the Borough of Lebanon or any amendments, modifications, revisions or additions thereto (with the exception of housing or zoning violations), the maximum penalty upon conviction of each violation shall be one or more of the following:

A fine not exceeding \$2,000.00; and/or a period of community service not exceeding ninety (90) days; and/or imprisonment in the County Jail or in any other place provided by the Municipality for the retention of prisoners for a term not exceeding ninety (90) days, as determined by the Court. (N.J.S. 40:49-5)

With regard to housing or zoning code violations, the maximum penalty for each violation shall be a fine not to exceed \$1,250.00.

Each day that a violation continues shall be deemed and treated as a separate and distinct violation for purposes of penalties to be imposed.

2. Any person who is convicted of violating an Ordinance or Code of the Borough of Lebanon within one year of the date of a previous violation of the same Ordinance and who is fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender.

3. Any person convicted of a violation of any Ordinance or Code of the Borough of Lebanon, may, in the discretion of the Court by which he was convicted, and in default of the payment of any fine imposed therefore, be imprisoned in the County jail or place of detention provided by the Municipality, for any term not exceeding ninety (90) days or be required to perform community service for a period not exceed ninety (90) day.

**Section 2.** Upon the enactment, publication, and this Ordinance becoming effective, the provisions of all previously adopted Ordinances of the Borough of Lebanon establishing specific penalties for violation thereof shall be amended to remove such provision, and thereafter, the violation thereof shall be penalized in accordance with the provisions of the General Penalty section enacted hereinabove. Ordinance #97-05 of the Borough of Lebanon establishing fines and penalties is hereby repealed

**Section 3 - SEVERABILITY.**

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

**Section 4 - EFFECTIVE DATE.**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST:

LEBANON BOROUGH COUNCIL

---

Karen M. Romano, RMC  
Borough Clerk

---

R. Gary Quick, President

Vote after public hearing and upon final adoption:

Berger \_\_\_\_\_

Bross \_\_\_\_\_

Coyle \_\_\_\_\_

Quick \_\_\_\_\_

Reino \_\_\_\_\_

Schmidt \_\_\_\_\_

Ordinance approved by the Governing Body and presented  
to the Mayor on \_\_\_\_\_, 2010.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark Paradis, Mayor

Date:

\_\_\_\_\_  
Mark Paradis, Mayor

Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2010

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 17, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on March 24, 2010 at 7:00 p.m. at 6 High Street, Lebanon, New Jersey 08833.

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: February 17, 2010**

**ADOPTED:**

**The motion to introduce passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**  
**ABSTAIN: None**

**RESOLUTION # 38-2010:**

**Councilman Reino made a motion to approve Resolution 38-2010 with a second by Councilman Burton.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION #38-2010**

**A RESOLUTION AUTHORIZING A TONNAGE GRANT APPLICATION**

**WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for the **2009 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Lebanon Borough to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the Borough of Lebanon that the Borough of Lebanon hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kathleen Bross to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: 6  
Nays: 0  
Absent: 0

\_\_\_\_\_  
R. Gary Quick  
Borough Council President

ATTEST:

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

### CERTIFICATION

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17<sup>th</sup> day of February, 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

\_\_\_\_\_  
Karen M. Romano, RMC  
Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

### **RESOLUTION #39-2010:**

**Councilman Reino made a motion to approve Resolution# 39-2010 with a second by Councilman Coyle.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION #. 39-2010**

**MAINTENANCE BOND**

**WHEREAS**, S Brothers Inc, posted a maintenance bond #1751 MB in the amount of \$7,492.53 in February 2010 in accordance with the Borough Engineer's quantity and cost estimate; and

**WHEREAS**, the developer has reported performance of this requirement as part of its overall project development within the Borough and requested the final payment of \$9130.09 for Main Street III; and

**WHEREAS**, the Lebanon Borough Engineer, Paul Ferriero, PE by written report to the Council dated January 21, 2010 has reported satisfaction of the maintenance obligation and recommended the final payment.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, that the final payment be made of \$9,130.09 and the maintenance bond be accepted in the amount of \$7,492.53. The Chief Financial Officer is authorized to pay such funds to the S Brothers Inc,

**ATTEST:**

**LEBANON BOROUGH COUNCIL**

---

Karen M. Romano, RMC  
Borough Clerk

---

R. Gary Quick, Council President

Introduced and adopted:  
Ayes: 6  
Nays: 0  
Abstain: 0

**CERTIFICATION**

I, Karen M. Romano Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17th day of February 2010 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

---

Karen M. Romano, RMC  
Borough Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**RESOLUTION #40-2010:**

**Councilwoman Bross made a motion to TABLE Resolution #40-2010 with a second by Councilman Coyle.**

**BOROUGH OF LEBANON      TABLED  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION # 40-2010**

**WHEREAS**, the Borough of Lebanon supports the health and well-being of Hunterdon County residents, encourages the preservation and protection of the environment and promotes a safe and efficient transportation system; and

**WHEREAS**, the Borough of Lebanon recognizes that their jurisdiction ends at the County boundary, however, large development applications can have regional impacts which extend beyond jurisdictional boundaries affecting adjacent municipalities and counties; and

**WHEREAS**, there is a pending 7-lot subdivision and site plan application before the Franklin Township and Warren County Planning Boards for a 1.44 million square-foot truck depot and distribution facility that would provide for an estimated 700 trucks per day with a 24/7 operating schedule; and

**WHEREAS**, the North Jersey Transportation Planning Authority (NJTPA) has adopted *Plan 2035* as the Regional Transportation Plan for Northern New Jersey, which recommends and encourages the location of large trucking facilities near the ports to minimize VMT and on former brownfields to limit environmental impacts; and

**WHEREAS**, the site of this proposed development is located on agricultural lands along the Musconetcong River, a Nationally Designated Wild & Scenic Waterway, an environmentally sensitive, NJDEP-designated Class 1 water body and far from the port cities of New Jersey; and

**WHEREAS**, the size and scale of this proposed development could potentially result in negative consequences to Warren and Hunterdon residents, to the regional environment, to our regional transportation network and on the quality and quantity of our surface and groundwater resources.

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Lebanon recognizes that it has no jurisdiction in the development review process which is under way; however, this Council opposes this development because of the issues stated above and encourages the Franklin Township and Warren County Planning Boards to consider the recommendations of *Plan 2035* and to promote any and all means possible to make this site sustainable and minimize its impact on the residents of Warren and Hunterdon Counties, on the view shed of our rural, agricultural landscape and on our regional transportation system.

**BE IT FURTHER RESOLVED**, that an ATTEST copy of this resolution, as adopted, shall be presented to the Franklin Township Planning Board at their public hearing scheduled for February 3 and shall be sent to the Warren County Board of Chosen Freeholders, Warren County Planning Board, NJDOT, NJTPA, HART Commuter Information. Services and the Mayors of all Hunterdon County municipalities,

Introduced and adopted: February 17, 2010

Ayes: 6  
Nays: 0  
Absent: 0

\_\_\_\_\_  
R. Gary Quick, Council President

#### **CERTIFICATION**

I, Karen Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the February 17, 2010 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date:February 17, 2010

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

**The motion was TABLED by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

#### **RESOLUTION # 41-2010:**

**Councilman Reino made a motion to approve Resolution 41-2010 with a second by Councilman Burton.**

#### **RESOLUTION No.41-2010**

**WHEREAS**, on January 1, 2006, the “New Jersey Local Unit Pay-to-Play” Law, *N.J.S.A.* 19:44A-20.4 et. seq., became effective; and

**WHEREAS**, the Borough of Lebanon has a need to award certain professional contracts for services required by the municipality in calendar year 2010; and

**WHEREAS**, the Pay-to-Play Law permits such services to be acquired through two processes, including the “non-fair and open” process as defined in *N.J.S.A. 19:44A-20.7* on those contracts where it is anticipated that the total cost will exceed \$17,500.00; and

**WHEREAS**, the public good and interest of the citizens of the Borough of Lebanon will best be served by the “non-fair and open” process to secure experienced professional services, rather than the “fair and open” process of awarding a contract to the lowest bidder; and

**WHEREAS**, each professional will be required to first complete and submit a Business Entity Disclosure Certification.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Borough Council of the Borough of Lebanon, as follows:

1. The following professional 2010 contracts shall be awarded under the “non-fair and open” process:
  - Bond Counsel: Wilentz, Goldman & Spitzer PA Lisa Gorab Esq.
2. The said professionals, prior to securing such contract, shall execute and file with the Clerk of the municipality, a 2010 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8*
3. Upon the adoption of this Resolution, this Contract is awarded without competitive bidding and the Mayor, Council President and Borough Clerk are authorized to execute the Contract for these professional services, and which Contract is subject to review and approval by the Borough Attorney.
4. A notice of this action shall be published in the Borough’s legal newspaper.

Introduced and adopted: February 17, 2010

LEBANON BOROUGH COUNCIL

Ayes: 6

Nays: 0

Absent:0

\_\_\_\_\_  
R. Gary Quick, Borough Council President

ATTEST:

\_\_\_\_\_  
Karen Romano, RMC  
Borough Clerk

**CERTIFICATION**

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by

the Borough of Lebanon Council at a meeting duly held on the 17<sup>th</sup> day of February 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Karen M. Romano, RMC  
Borough Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**RESOLUTION # 42-2010:**

**Councilman Reino made a motion to approve Resolution 42-2010 with a second by  
Councilman Berger.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION # 42-2010**

**BE IT RESOLVED**, by the Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey that the CFO is hereby authorized to make the following budget transfers.

	FROM	TO
01-203-20-165-200,(2009) ENGINEERING- OTHER EXPENSE	5,500.00	
01-203-20-155-200,(2009) LEGAL SERVICES - OTHER EXPENSE		5,500.00
01-203-31-446-200,(2009) NATURAL GAS - OTHER EXPENSE	<u>2,400.00</u>	
01-203-31-435-200,(2009) STREET LIGHTING - OTHER EXPENSE		<u>2,400.00</u>
	7,900.00	7,900.00

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

\_\_\_\_\_  
R. Gary Quick, Council President

Introduced and adopted:

Ayes:   6  

Nays:   0  

Abstain   0

***CERTIFICATION***

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Council of the Borough of Lebanon at a meeting duly held on the 17<sup>th</sup> day of February, 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

\_\_\_\_\_  
Karen Romano, RMC  
Municipal Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**RESOLUTION #43-2010:**

**Councilman Reino made a motion to approve Resolution 43-2010 with a second by Councilman Berger.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION NO. 43-2010**

**RESOLUTION APPOINTING MUNICIPAL COURT JUDGE, PROSECUTOR AND PUBLIC  
DEFENDER**

**WHEREAS**, the Borough of Lebanon has resolved to establish its Municipal Court as a shared Court with the Joint Municipal Court of Bethlehem and Bloomsbury; and

**WHEREAS**, the terms of an Interlocal Agreement have been mutually agreed upon by the Municipalities and received the approval of the Vicinage 13 Assignment Judge, Yolanda Ciccone, A.J.S.C.; and

**WHEREAS**, the Municipal Court requires the services of a Municipal Court Judge, Prosecutor and Public Defender for the calendar year 2010;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lebanon, Hunterdon County, New Jersey that the following persons are hereby appointed to their respective positions for the Lebanon Borough Municipal Court as a shared Court of the Joint Municipal Court of Bethlehem and Bloomsbury for calendar year 2010:

Municipal Court Judge – Robert L. Alexander, Esq.

Municipal Prosecutor – William J. Johnson, Esq.

Public Defender – Thomas B. Mading, Esq.

**BE IT FURTHER RESOLVED** that the Court personnel shall be compensated for their respective positions in accordance with the Interlocal Agreement between the Borough of Lebanon and the Joint Municipal Court of Bethlehem and Bloomsbury.

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen M. Romano, RMC  
Borough Clerk

\_\_\_\_\_  
R. Gary Quick, Council President

Introduced and adopted:

Ayes:   6  

Nays:   0  

Abstain, etc.   0  

***CERTIFICATION***

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Council of the Borough of Lebanon at a meeting duly held on the 17<sup>th</sup> day of February, 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

\_\_\_\_\_  
Karen Romano, RMC  
Municipal Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**RESOLUTION #44-2010:**

**Councilman Reino made a motion to approve Resolution 44-2010 with a second by Councilman Coyle.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION # 44-2010**

**RESOLUTION TO AUTHORIZE ESTABLISHING COURT ACCOUNTS AND BONDING OF COURT OFFICIALS**

**WHEREAS**, the Borough of Lebanon has resolved to establish its Municipal Court as a shared Court with the Joint Municipal Court of Bethlehem and Bloomsbury; and

**WHEREAS**, the terms of an Interlocal Agreement have been mutually agreed upon by the Municipalities and received the approval of the Vicinage 13 Assignment Judge, Yolanda Ciccone, A.J.S.C.; and

**WHEREAS**, separate accounts for the Lebanon Borough Municipal Court are to be maintained by the Certified Municipal Court Administrator of the Joint Municipal Court of Bethlehem and Bloomsbury; with appropriate Bonding to be established for all Court officials.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lebanon, Hunterdon County, New Jersey that separate bank account(s) are hereby authorized to be established for the Lebanon Borough Municipal Court with the same bank in which the Joint Municipal Court revenues and accounts are maintained (PNC Bank – Bloomsbury);

**BE IT FURTHER RESOLVED**, that Donna Surdich, C.M.C.A. and Monica Griffin (Court Assistant/Deputy Court Administrator) are authorized to maintain such accounts;

**BE IT FURTHER RESOLVED**, that the Mayor, Council President and Clerk are authorized to execute any and all banking resolutions and other documents necessary to open and maintain such account(s);

**BE IT FURTHER RESOLVED**, that the Certified Municipal Court Administrator, Municipal Court Judge, and such other Municipal Court Officials now serving the Joint Municipal Court of Bethlehem and Bloomsbury be Bonded for such positions;

**BE IT FURTHER RESOLVED**, that all books, records and bank accounts of the Lebanon Borough Municipal Court shall be maintained separate from the records of the Joint Municipal Court, and shall be subject to an independent audit in accordance with the requirements of the Local Fiscal Affairs Laws, N.J.S.A. 40A:15-1, et seq.

LEBANON BOROUGH COUNCIL

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Karen M. Romano, RMC  
Borough Clerk

R. Gary Quick, Council President

Introduced and adopted:

Ayes:   6  

Nays:   0  

Abstain, etc.   0  

### CERTIFICATION

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Council of the Borough of Lebanon at a meeting duly held on the 17<sup>th</sup> day of February, 2010; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: February 17, 2010

\_\_\_\_\_  
Karen Romano, RMC  
Municipal Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

### **PROCLAMATION: Read by Title**

### PROCLAMATION

**WHEREAS**, the citizens of the Borough of Lebanon stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, the **Lebanon Borough School and the Borough of Lebanon** have provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well being and long-term quality of life; and

**WHEREAS, "NEA's Read Across America,"** a national celebration of Dr. Seuss's 106th birthday on March 2, 2010, promotes reading and adult involvement in the education of our community's students;

**WHEREAS,** a Walking School Bus led by the **Lebanon Borough School** with the assistance of teachers, parents, safety patrol members and school crossing guards will be conducted in honor of **Read Across America** in accordance with the **Mayor's Wellness Campaign and Hunterdon County's Safe Routes to School Coalition** education programs, which provide guidance on fostering active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives.

**NOW THEREFORE, BE IT RESOLVED** that I, Mark E. Paradis, Mayor of the Borough of Lebanon cares deeply about all of the citizens of Borough of Lebanon and the future health and well-being of its children, and asks that all residents of this community join me in supporting, Lebanon Borough School, Mayor's Wellness Campaign and Hunterdon County Safe Routes to School Coalition to assure that every child is in a safe place reading together with a caring adult on March 2, 2010;

**AND, BE IT FURTHER RESOLVED,** that I, Mark E. Paradis, Mayor of the Borough of Lebanon enthusiastically proclaims March 2, 2010 **Read Across America – a national celebration of Dr. Seuss' 106<sup>th</sup> Birthday** in the Borough of Lebanon and recommits our community to engage in programs and activities to make America's children the best readers in the world.

---

Mark E. Paradis, Mayor

Mayor Paradis requested a motion to support Highlands Petition for Basic Plan Conformance.

**Councilman Berger made a motion to support Highlands Petition for Basic Plan Conformance with a second by Councilman Reino.**

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino, Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**COMMITTEE/COMMISSION/BOARD UPDATES:**

**Councilwoman Bross discussed the County Swac meeting.**

**Councilman Berger reminded Council of the Budget workshop on February 22, 2010.**

**Councilman Reino thanked the Clerk's Office and Clover Hill for the great job during the recent snow storm.**

**OPEN PUBLIC SESSION #2:**

**Councilman Reino made a motion to open the public session. Councilman Burton seconded the motion with the unanimous approval of Council the floor was opened.**

**There being no public comment Councilman Reino made a motion to close the public session. Councilman Burton seconded the motion with the unanimous approval of Council the floor was closed.**

**Mayor Paradis requested a motion to enter into Executive Session.**

**RESOLUTION #45-2010:**

**Councilman Reino made a motion to approve Resolution 45-2010 with a second by Councilman Coyle.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION # 45-2010**

**Whereas**, the Open Public Meetings Act allows the Mayor and Council to exclude the public from a portion of a meeting in certain circumstances,

**Now therefore, be it Resolved**, by the Council of the Borough of Lebanon, that the public shall be excluded from discussion of the following matter(s):

- 1. A confidential matter under Federal or State Law or Court Rule.
- 2. A matter involving information that may jeopardize the Borough's rights to receive funds from the United States Government.
- 3. A matter constituting an unwarranted invasion of an individual's privacy rights.
- 4. Collective Bargaining Agreement or negotiation of the Agreement.
- 5. Matters involving the purchase, lease or acquisition of real property.
- 6. Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
- 7. Litigation  Tax Court Matters \_\_\_\_\_ Anticipated Litigation \_\_\_\_\_  
Contract Negotiations:  \_\_\_\_\_
- 8. Matters falling within the attorney-client privilege: \_\_\_\_\_.
- 9. Personnel matters involving a specific employee or officer of the Borough: Policies.

\_\_\_10. Deliberations involving a public hearing which may result in the imposition of a specific civil penalty or suspension or loss of a license or permit.

The approved Executive Session minutes will be placed on file in the Borough Clerk's Office and will be available to the public as provided for by Law.

**Be it further Resolved**, that this Resolution shall take effect immediately.

Introduced and adopted:

Ayes: 6  
Nays: 0  
Absent: 0

LEBANON BOROUGH COUNCIL

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R. Gary Quick, Council President

ATTEST:

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Karen M. Romano, RMC  
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held February 17, 2010.

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Karen Romano, RMC  
Borough Clerk

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino, Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**Mayor Paradis requested a motion to return from Executive Session.**

**Councilman Reino made a motion to return with a second by Councilman Burton.**

**The motion passed by the following roll call vote:**

**YES: Councilwoman Bross, Council President Quick, Councilman Reino,  
Councilman Burton, Councilman Berger, and Councilman Coyle**

**NO: None**

**ABSTAIN: None**

**ADJOURN:**

**Council President Quick moved and Councilman Reino seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:55 PM by unanimous vote.**

Respectfully Submitted

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Karen M. Romano, RMC  
Borough Clerk