



**LEBANON BOROUGH
COMMON COUNCIL
MINUTES**

September 15, 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: Council President Quick, Councilman Reino, Councilman Burton, Councilman Berger, Councilman Coyle and Mayor Mark E. Paradis

Absent: Councilwoman Bross (*excused)

Also Present: Attorney Joseph Novak, Clerk Karen Romano

MOMENT OF SILENCE:

Mayor Paradis stated a total of 4,774 United States Service Members had given their lives for our country for the war on terrorism. The New Jersey total is 84. 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.

OPEN PUBLIC SESSION #1:

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.

Alexander Patullo of 50 Main Street stated working with Norwescap has been great and the COAH housing within his project is in place. Code Official Michael Wright has been non responsive. Michael Walyn with DCA reviewed the next step of the project and stated Mr. Patullo is ready to proceed.

There being no further 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.

RESOLUTION # 111-2010:

Councilman Burton made a motion to approve Resolution 111-2010 the Consent Agenda with a second by Councilman Berger.

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

**RESOLUTION #111 -2010
CONSENT AGENDA
September 18, 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. Lebanon Volunteer Fire Company Financial Statement
2. St Hubert Report
3. NJLM Conference information
4. NHMC audit revision
5. NHMC July Disbursement
6. Finance Monthly Report

Introduced and adopted: September 15, 2010

Ayes: 5
Nays: 0
Absent: 1

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 September 15, 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: September 15, 2010

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

APPROVAL OF MINUTES:

Councilman Burton made a motion to accept the Regular Meeting Minutes of August 18, 2010, and the Executive Meeting Minutes of August 18, 2010.

With a second by Councilman Berger.

The motion passed by the following roll call vote:

**YES: Councilman Coyle, Councilman Reino,
Councilman Burton, Councilman Berger,**

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: Councilman Quick

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for September 2010.

Councilman Coyle seconded the motion.

Current Fund

| | | | | |
|-----------------------------------------|---------|-------------------------------------|------------|------------|
| 202 - CENTURYLINK | PO 3435 | POTS LINE SERVICES SEPT 1 - 30, 201 | 219.93 | 219.93 |
| 107 - CLINTON BUSINESS PRODUCTS, INC | PO 3428 | CLEANING SUPPLIES, ACCT 1452 | 127.54 | 127.54 |
| 142 - CLINTON FIRST AID & RESCUE SQUAD | PO 3451 | 2010 FIRST AID PAYMENT | 8,000.00 | 8,000.00 |
| 254 - CLOVER HILL LANDSCAPING LLC | PO 3412 | LAWN SVC FOR 2010 SEASON, INV2464 5 | 1,430.35 | 1,430.35 |
| 247 - COMCAST | PO 3416 | BUSINESS CLASS PHONE SVC, ACCT 0172 | 279.41 | 279.41 |
| 38 - COUNTY OF HUNTERDON | PO 3436 | GASOLINE AND DIESEL FUEL FOR JULY 2 | 534.44 | 534.44 |
| 152 - GANNETT NJ NEWSPAPERS | PO 3432 | LEGAL NOTICE, ACCT 20346900 | 88.04 | 88.04 |
| 39 - ELIZABETHTOWN GAS | PO 3417 | NATURAL GAS SVC, ACCT 6822385611 | 64.07 | 64.07 |
| 12 - HK BUZBY & SONS | PO 3438 | LIGHT BULBS, INV 295506 | 14.15 | 14.15 |
| 83 - HORIZON BLUE CROSS BLUE SHIELD NJ | PO 3422 | DENTAL INSURANCE FOR SEPTEMBER 2010 | 245.81 | 245.81 |
| 54 - NJN PUBLISHING | PO 3431 | LEGAL ADS FOR AUGUST 2010, ACCT L9 | 361.77 | 361.77 |
| 16 - JCP&L | PO 3407 | ELECTRIC SVCS FOR ACCT 100063647000 | 3,244.97 | 3,244.97 |
| 16 - JCP&L | PO 3453 | ELECTRIC SVCS FOR ACCT140575/143512 | 231.75 | 231.75 |
| 264 - JOSEPH S. NOVAK | PO 3185 | PROFESSIONAL LEGAL SVC AGREEMENT FO | 2,800.00 | 2,800.00 |
| 264 - JOSEPH S. NOVAK | PO 3445 | BOARD OF HEALTH LEGAL AGREEMENT SEP | 200.00 | 200.00 |
| 406 - Joshua Paul | PO 3420 | MATERIAL COSTS FOR SIGNS | 340.00 | 340.00 |
| 167 - KAREN ROMANO | PO 3421 | EYE CARE REIMBURSEMENT FOR 2009/201 | 373.00 | 373.00 |
| 167 - KAREN ROMANO | PO 3439 | RMC RENEWAL REIMBURSEMENT | 50.00 | 50.00 |
| 28 - KASPER DISPOSAL SERVICE | PO 3172 | TRASH REMOVAL SVC FOR AUG 2010, CON | 4,832.96 | 4,832.96 |
| 104 - KAY WINZENRIED | PO 3429 | REIMBURSE FOR PAYROLL LAW SEMENAR | 159.00 | 159.00 |
| 422 - KURTIS QUICK | PO 3404 | 2010 DOG CENSUS | 800.00 | 800.00 |
| 59 - LEBANON BOROUGH BOARD OF EDUCATION | PO 3296 | OCTOBER 2010 LOCAL SCHOOL TAX | 219,031.10 | 219,031.10 |
| 119 - LEBANON FIRE COMPANY | PO 3408 | SMOKE DETECTOR INSPECTIONS | 1,285.00 | 1,285.00 |
| 119 - LEBANON FIRE COMPANY | PO 3456 | FINAL PAYMENT OF ANNUAL APPROPRIATI | 20,000.00 | 20,000.00 |
| 90 - LEBANON SEWER AUTHORITY | PO 3434 | 3RD QTR SEWER PAYMENT | 240.00 | 240.00 |
| 80 - MARK PARADIS | PO 3411 | BALANCE DUE FOR WEB HOSTING SVC, IN | 4.00 | 4.00 |
| 9 - MUNICIPAL SOFTWARE, INC | PO 3440 | HARDWARE AND OPERATING SYSTEM OPTIO | 1,077.00 | 1,077.00 |
| 9 - MUNICIPAL SOFTWARE, INC | PO 3449 | DATA PROCESSING SVCS FOR 2010, INV | 2,921.34 | 2,921.34 |
| 253 - NEW JERSEY STATE POLICE | PO 3423 | POLICE SERVICES FORJULY 2010, ACCT | 3,261.20 | 3,261.20 |
| 190 - NJ FIRE EQUIPMENT CO | PO 3414 | RESCUE GEAR, INV 35590 | 7,500.00 | 7,500.00 |
| 42 - NJ STATE LEAGUE OF MUNICIPALITIES | PO 3452 | LEAGUE CONFERENCE PRE REGISTRATION | 200.00 | 200.00 |
| 37 - PITNEY BOWES - RESERVE ACCOUNT | PO 3441 | POSTAGE FOR MACHINE, ACCT 23279953 | 200.00 | 200.00 |
| 68 - POLAND SPRING WATER CO | PO 3418 | BOTTLED WATER, ACCT 0430758649 | 54.23 | 54.23 |
| 20 - QUILL CORPORATION | PO 3409 | OFFICE SUPPLIES, ACCT C671593 | 716.16 | 716.16 |
| 61 - RECOGNITION GRAPHICS | PO 3424 | HISTORIC PHOTO PRINTS/DIGITAL SCANS | 125.00 | 125.00 |
| 303 - SHARP ELECTRONICS CORPORATION | PO 3442 | COPIER LEASE FOR SEPT 2010, CONTRAC | 184.46 | 184.46 |
| 421 - STEPHEN C. SCHUYLER | PO 3392 | REMOVE AND REPLACE SIDEWALKS & STE | 5,400.00 | 5,400.00 |
| 311 - THOMAS B. MADING ATTORNEY AT LAW | PO 3352 | PUBLIC DEFENDER SERVICES 1ST & 2ND | 250.00 | 250.00 |
| 382 - TOWNSHIP OF TEWKSBURY | PO 3419 | INTERLOCAL AGREEMENT | 3,616.71 | 3,616.71 |
| 27 - WASTE MANAGEMENT OF NJ INC | PO 3443 | SOLID WASTE DISPOSAL FORAUG 2010, A | 4,731.38 | 4,731.38 |
| 139 - WEST PAYMENT CENTER | PO 3413 | NJ STAT SUBSCRIPTIONS, ACCT 1000173 | 23.00 | 23.00 |

TRUST FUNDS

| | | | | |
|---------------------------------------|---------|-------------------------------------|----------|----------|
| 214 - COUNTRY TOURS & TRAVEL | PO 3457 | EMPIRE CITY TRIP | 1,785.00 | 1,785.00 |
| 290 - NJ DEPT OF HEALTH & SENIOR SVCS | PO 3415 | DOG LICENSE REPORT JULY 2010 | 2.40 | 2.40 |
| 206 - ST HUBERT'S | PO 3426 | ANIMAL CONTROL SERVICES JULY - DECE | 1,050.00 | 1,050.00 |

GENERAL CAPTITAL FUND

| | | | | |
|------------------------------------------|---------|-------------------------------------|----------|----------|
| 424 - ANTHONY PATERNO | PO 3410 | TOWN HALL DUCT CLEANING, INV 4656 | 2,100.00 | 2,100.00 |
| 353 - BROOKS MECHANICAL CONSULTANTS, INC | PO 2452 | MUNICIPAL BLDG RENOVATION - PLUMBIN | 4,682.44 | 4,682.44 |
| 328 - DESIGN ENTERPRISES, INC. | PO 3454 | CONSTRUCTION MANAGEMENT SVCS FOR JU | 1,495.00 | 1,495.00 |
| 426 - DUBLIN MAINTENANCE CONTRACTORS | PO 3430 | COMPLETE CLEANING OF TOWN HALL, INV | 4,750.00 | 4,750.00 |
| 46 - FERRIERO ENGINEERING | PO 3433 | ENG SVCS - MAIN ST. LOCAL AID, INV | 1,482.48 | 1,482.48 |
| 425 - FORAN & ASSOCIATES | PO 3425 | BASEMENT DEMO WORK, INV 085783 | 3,480.00 | 3,480.00 |
| 355 - J. TUFARO & SONS ELECTRICAL | PO 2454 | MUNICIPAL BLDG RENOVATIONS - ELECTR | 4,991.58 | 4,991.58 |
| 9 - MUNICIPAL SOFTWARE, INC | PO 3384 | HARDWARE AND OPERATING SYSTEMS | 7,161.00 | 7,161.00 |
| 395 - SCHAIBLE PLUMBING & HEATING | PO 3455 | SERVICE CALL 8-1-2010 | 100.00 | 100.00 |

TOTAL

328,297.67

Total to be paid from Fund 01 Current Fund
Total to be paid from Fund 03 TRUST FUNDS
Total to be paid from Fund 04 GENERAL CAPTITAL FUND

295,217.77

2,837.40

30,242.50

=====

328,297.67

Checks Previously Disbursed

| | | | | | |
|-------|----------------------------------|----------|------------------------------------|--------|-----------|
| 227 | MARY ANN BADORE | PO# 3444 | TIP FOR TRIP TO YONKERS RACE TRACK | 52.00 | 9/10/2010 |
| 99999 | BOROUGH OF LEBANON-EMAIL SERVICE | | SEPTEMBER SERVICES | 140.00 | 8/13/2010 |
| 226 | ESTELLE BUTLER | PO# 3371 | PAPER GOODS FOR SENIOR PICNIC/INK | 118.08 | 9/03/2010 |
| | | | | ----- | |
| | | | | 310.08 | |

Total paid from Fund 01 Current Fund
Total paid from Fund 03 TRUST FUNDS

140.00

170.08

310.08

Total for this Bills List: 328,607.75

Report Printed 2010-09-15 14:25:32 Lebanon Borough

GENERAL CAPITAL FUND

| Check# | Vendor | Description | Payment | Check Total |
|----------------------------------------------------|------------------------------------------|---------------------------------------------|----------|-------------|
| 6014 | 424 - ANTHONY PATERNO | PO 3410 TOWN HALL DUCT CLEANING, INV 4656 | 2,100.00 | 2,100.00 |
| 6015 | 353 - BROOKS MECHANICAL CONSULTANTS, INC | PO 2452 MUNICIPAL BLDG RENOVATION - PLUMBIN | 4,682.44 | 4,682.44 |
| 6016 | 328 - DESIGN ENTERPRISES, INC. | PO 3454 CONSTRUCTION MANAGEMENT SVCS FOR JU | 1,495.00 | 1,495.00 |
| 6017 | 426 - DUBLIN MAINTENANCE CONTRACTORS | PO 3430 COMPLETE CLEANING OF TOWN HALL, INV | 4,750.00 | 4,750.00 |
| 6018 | 46 - FERRIERO ENGINEERING | PO 3433 ENG SVCS - MAIN ST. LOCAL AID, INV | 1,482.48 | 1,482.48 |
| 6019 | 425 - FORAN & ASSOCIATES | PO 3425 BASEMENT DEMO WORK, INV 085783 | 3,480.00 | 3,480.00 |
| 6020 | 355 - J. TUFARO & SONS ELECTRICAL | PO 2454 MUNICIPAL BLDG RENOVATIONS - ELECTR | 4,991.58 | 4,991.58 |
| 6021 | 9 - MUNICIPAL SOFTWARE, INC | PO 3384 HARDWARE AND OPERATING SYSTEMS | 7,161.00 | 7,161.00 |
| 6022 | 395 - SCHAIBLE PLUMBING & HEATING | PO 3455 SERVICE CALL 8-1-2010 | 100.00 | 100.00 |
| TOTAL | | | | 30,242.50 |
| Total to be paid from Fund 04 GENERAL CAPITAL FUND | | 30,242.50 | | |
| | | ===== | | |
| | | 30,242.50 | | |

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

Mayor Paradis requested a motion to Open Public Session to Adopt Ordinance 2010-07.

OPEN PUBLIC SESSION ORDINANCE 2010-07 FOR ADOPTION:

Councilman Berger 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 further public comment Councilman Burton made a motion to close the public session. Councilman Berger seconded the motion with the unanimous approval of Council the floor was closed.

Mayor Paradis requested a motion to Adopt Ordinance 2010-07.

ORDINANCE 2010-07:

Councilman Reino made a motion to carry Ordinance 2010-07 with a second by Councilman Burton.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

ORDINANCE NO. 2010-07

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON
TO AMEND THE BOROUGH STORMWATER ORDINANCE, BY REQUIRING THE COVERING
OF REFUSE**

CONTAINERS TO PREVENT LEAKAGE; AND THE UPGRADE OF PRIVATELY OWNED DRAINAGE INLETS

WHEREAS, the Tier A Municipal Stormwater General Permit (Tier A Permit) for discharge to surface water and groundwater is one of four New Jersey Pollutant Discharge Elimination System (NJPDES) general permits that are part of the Municipal Stormwater Regulation Program established by the New Jersey Departmental of Environmental Protection (DEP); and

WHEREAS, the Borough of Lebanon received authorization under the Tier A Permit to discharge stormwater from municipal separate storm sewers in 2004; and

WHEREAS, on March 1, 2009, the DEP renewed the Tier A Permit for an additional five year period and amended the Tier A Permit to refine aspects of the Tier A Permit to better protect water quality and to assist municipalities in complying with the conditions of the Tier A Permit; and

WHEREAS, the amendments to the Tier A Permit require the Borough of Lebanon to have fully implemented a refuse container/dumpster ordinance consistent with the model ordinance provided by the DEP; and

WHEREAS, the Borough of Lebanon desires to amend, its Stormwater Ordinances to be consistent with the model ordinance provided by the DEP and to require that dumpsters and other refuse containers be covered to prevent the spilling, leaking, dumping or other discharge of liquids, semi-liquids and solids into the Borough stormwater system, thereby helping to protect and improve surface water quality; and

WHEREAS, the amendments to the Tier A Permit also require the Borough of Lebanon to have fully implemented a private storm drain retrofit ordinance consistent with the model ordinance provided by the DEP; and

WHEREAS, the Borough of Lebanon desires to amend its Stormwater Ordinances to be consistent with the model ordinance provided by the DEP and to require the upgrade of privately owned drainage inlets upon the resurfacing of existing parking areas and driveways so as to reduce the overall amount of floatable debris entering waterways, thereby helping to protect and improve surface water quality.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Lebanon, County of Hunterdon, State of New Jersey as follows:

SECTION ONE. The Ordinances of the Borough of Lebanon are hereby amended by the addition of the following:

ARTICLE 1 – DEFINITIONS

1. Definitions

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

- a. *Municipal separate storm sewer system* - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Lebanon Borough or other public body, and is designed and used for collecting and conveying stormwater.
- b. *Person* - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. *Refuse container* - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. *Stormwater* - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. *Waters of the State* - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE 2 – REFUSE CONTAINER COVERAGE

1. Purpose

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Lebanon and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

2. Prohibited Conduct

- a. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is

covered at all times and shall prevent refuse from spilling out or overflowing.

- b. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Lebanon.

3. Exceptions to Prohibition

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

ARTICLE 3 – UPGRADE OF PRIVATELY OWNED DRAINAGE INLETS

1. Purpose.

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Lebanon so as to protect public health, safety and welfare, and prescribes penalties for the failure to comply. In order to facilitate the upgrading of storm drain inlets, the Borough will maintain a list of suppliers in the area which keep inlet grates and compliant ECO heads in stock.

2. Prohibited Conduct:

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

1. Already meets the design standard below to control passage of solid

and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section 3 below prior to the completion of the project.

3. Design Standard:

Storm drain inlets as described above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, solid and floatable materials- means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4 below.

(a). Property owners shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

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

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

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

4. Exemptions:

This standard does not apply:

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

ARTICLE 4 - ENFORCEMENT

The provision of the Ordinance shall be enforced by the Borough Zoning Officer, Borough Engineer, and any other designee appointed by the Borough Council.

ARTICLE 5 - PENALTIES

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a penalty in accordance with General Penalties provision of the Revised Ordinances of the Borough of Lebanon. Each day in which a violation exists shall be considered to be a separate offense.

SECTION 2. All Ordinances of the Borough of Lebanon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

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

BOROUGH OF LEBANON

Karen Romano, RMC
Borough Clerk

Mark E. Paradis, Mayor

Vote after public hearing and upon final adoption:

Berger 1

Bross 0

Burton 1

Coyle 1

Quick 1

Reino 1

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 July 21, 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 September 15, 2010 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, RMC
Borough Clerk

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

NOTICE OF FINAL PASSAGE

ORDINANCE 2010-7

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 21st day of July 2010, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of September 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: July 21, 2010

ADOPTED: September 15, 2010

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

Mayor Paradis requested motions for the following resolutions:

RESOLUTION #112-2010:

Councilman Berger made a motion to approve Resolution 112-2010 with a second by Councilman Reino.

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

RESOLUTION #112-2010

**AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES AND ACCEPTANCE OF MAINTENANCE BONDS FOR
BOURBON STREET LAND CO. LLC (BLOCK 4, LOT 11)**

WHEREAS, Bourbon Street Land Co. LLC posted a Performance Guarantee with the Borough of Lebanon for the on-site and offsite improvements associated with the development of this project as follows:

Performance Bond No. B0461410 in the amount of \$190,922.40 from International Fidelity Insurance Company;

WHEREAS, upon review of the construction status and associated paperwork, the Borough Engineer has found that all on-site and offsite improvements have been completed in accordance with the approved plans and has recommended the release of the bond and acceptance of the road improvements in his correspondence to the Lebanon Borough Mayor and Council dated June 13, 2007; and

WHEREAS, Bourbon Street Land Co. LLC has posted a Maintenance Bond No. in the amount of \$31,820.00 for the improvements and has submitted additional documentation, which has been reviewed and approved by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey that the Performance Guarantee posted by Bourbon Street Land Co. LLC delineated hereinabove be and are hereby released and all of the improvements covered by such performance bond, for Block 4, Lot 11 are hereby accepted, subject to all escrow fees being paid and the Borough Attorney approving

the maintenance bond and other documents.

BE IT FURTHER RESOLVED, in accordance with the above, that the Common Council hereby accepts Maintenance Bond No. in the amount of \$31,820.00 for the improvements, subject to approval by the Borough Attorney.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to transmit certified copies of this resolution to the following:

Developer
Insurance Company (Bond)

Borough Engineer
Borough Attorney

Introduced and adopted: September 15, 2010

LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1

R. Gary Quick,
Borough Council President

ATTEST:

Karen M. 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 Common Council at a meeting duly held on September 15, 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: Council President Quick, Councilman Reino,
Councilman Burton, Councilman Berger, and Councilman Coyle**

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

RESOLUTION # 113-2010:

Councilman Burton made a motion to approve Resolution 113-2010 with a second by Councilman Berger.

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

RESOLUTION #113-2010

SUBSTITUTE CROSSING GUARDS APPOINTMENT

BE IT RESOLVED, by the Lebanon Borough Common Council that the following are appointed as Adult School Crossing Guards:

Cynthia Sloan

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the Adult School Crossing Guards having been established and set forth in Ordinance #2007-06, the following salary is hereby granted to the employee for the year 2010-2011:

Adult School Crossing Guards \$ 22.71/hr.(NTX 5 hours per week)

Introduced and adopted: September 15, 2010 LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1
Abstain: 0

By: R. Gary Quick, Council President

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 15th day of September 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.

Dated: September 15, 2010

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO:

None

ABSENT: Councilwoman Bross and Councilman Coyle

ABSTAIN: None

RESOLUTION # 114-2010:

Councilman Burton made a motion to approve Resolution 114-2010 with a second by Councilman Reino.

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

RESOLUTION # 114-2010

**A RESOLUTION AUTHORIZING THE
CLOSING OF MAIN STREET**

BE IT RESOLVED, that the Borough of Lebanon shall close the following street on or about October 15, 2010, from 10:00 PM to 5:00 PM

50 MAIN ST

Introduced and adopted: September 15, 2010
Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

R. Gary Quick, Borough
Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Romano, Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the 15th day of September 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: September 15, 2010

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

Mayor Paradis requested a motion to approve a Street Opening Permit for 50 Main Street. The Opening has the approval of Ferriero Engineering and the Shade Tree Committee.

Councilman Burton made a motion to approve the Street Opening with a second by Councilman Reino.

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

OPEN PUBLIC SESSION #2:

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

There being no further 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.

COMMITTEE/COMMISSIONS/BOARD UPDATES:

Historical Committee Chairman Joe Hauck stated the Historic District signs are ready to be screened. Four Signs will be placed in town one on Cokesbury Rd, one on Cherry Street and one at each end of Main Street.

Shade Tree Committee Vice Chairman Joe Hauck stated JCP&L is still trimming.

Councilman Burton reported the new computers in the offices and the email has been installed. The Personnel Manual has been submitted to Attorney Novak for review.

Education Funding Committee:

On September 15th Christine Burton of the Lebanon Borough School Board, Joe Hauck and Councilman Burton met with Ed Smith, Chief of Staff for Senator Doherty.

The

topic of

the meeting was education funding. More specifically to discuss the regional funding formula as it applies to Lebanon Borough.

The Committee shared their thoughts on how the current formula is not fair to communities like Lebanon who have done proper planning and diversified their growth and also how it impacts boroughs and towns in general. It was explained the current formula was imposed by the state.

The result of the meeting was as follows, if Lebanon Borough knows of or can identify in code a misapplication of the existing formula Lebanon Borough should be able to get that corrected. The Committee is looking into that currently. If the committee cannot find a misapplication of the formula, the approach to continue down the administrative path through the County Superintendent and the DOE are probably the correct next steps.

Streets and Roads Committee Chairman Councilman Reino report the Central Street meeting with the residents went well and the bidding process will start tomorrow.

Building and Grounds Committee Chairman Council President Quick reported the Building Committee Meeting went well and they were working on finalizing the punch list.

RESOLUTION # 115-2010:

Councilman Burton made a motion to approve Resolution 115-2010 to enter into Executive Session with a second by Councilman Reino.

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

RESOLUTION # 115-2010

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: _____x_____

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 filed 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: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

R. Gary Quick, Council President

ATTEST:

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 September 15, 2010.

Karen Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSENT: Councilwoman Bross

ABSTAIN: None

Mayor Paradis requested a motion to re-enter the Regular Meeting of September 15, 2010 at 8:25 pm.

Councilman Burton made the motion to re-enter the Regular Meeting with a second from Councilman Reino.

DISCUSSION:

A brief discussion was held on forming a Post Construction Committee.

ADJOURN:

Councilman Reino and Councilman Burton seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:05 PM by unanimous vote.

Respectfully Submitted,

Karen M. Romano, RMC
Borough Clerk