



**LEBANON BOROUGH  
COMMON COUNCIL  
MINUTES**

**August 18, 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 4,735 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 83. 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.

**BUILDING RENOVATION: DEI**

**MONTHLY PROGRESS REPORT**

**DATE:** August 18, 2010

**TO:** BOROUGH OF LEBANON  
**ATT:** BOROUGH COUNCIL  
**FROM:** DAVID G. TILLOU

Council,

The following is the status of the subject projects as of this date:

The following has been completed:

- HVAC basement units are 100% installed, but the building is experiencing high humidity. At a Buildings & Grounds meeting held August 12<sup>th</sup>, it was established that some intricate items were not installed. These have been confirmed by the contractor that they are installed in the units, but not wired by his subcontractor. This was uncovered earlier today and will be resolved soon.
- Dublin Maintenance Contractors completed the additional cleaning of the building for \$4,750.00.

The following is scheduled to be completed over the next month

- Certificate of Occupancy – we have been in contact with Mike Wright and the only issue we know he has is the rotation of the HVAC units on the roof.

- Schaible was on site Friday, July 23<sup>rd</sup> with the expansion tank required by the insurance company’s inspector. On re-inspection, the insurance company added a couple of requirements. Who should perform these requirements?
- SSP issued a “final” punch list on August 18, 2010. All contractors received these lists and have reacted negatively already.

**Change Orders to discuss:**

- Rampart for \$7,054.00 for additional work on the site including; the excavation and removal of the piping that was creating leaks at the archive room, the removal, of the hedges on the High Street side of the building and installation of topsoil, and miscellaneous additional work at the street to repair all open issues. DEI negotiated these to \$6,000.00. we are asking for approval
- Rampart is asking for \$800.00 per day to excavate the existing sewer at the addition and repair same. They think it would only take one day and they would perform this work during September.
- Anthony Paterno – 973-223-9884 – was awarded the project for \$2,850.00. He is scheduled to perform the work commencing Saturday, August 21<sup>st</sup> at 8:00AM. He will notify a councilperson when he is leaving. That Councilperson should lock up.

Mayor Paradis requested a motion to enter into Executive session at 7:47 pm.

**RESOLUTION # 104-2010:**

**Councilman Burton made a motion to approve Resolution 104-2010 to enter into Executive Session with a second by Councilman Reino.**

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

**RESOLUTION # 104-2010**

**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 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:

LEBANON BOROUGH COUNCIL

Ayes: 5

Nays: 0

Absent: 1

\_\_\_\_\_  
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 August 18, 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 August 18, 2010 at 9:05 pm.  
Councilman Burton made the motion to re-enter the Regular Meeting with a second from Councilman Reino.

**PREMIER DISPOSAL:**

Michael Dinardi of Premier disposal introduced himself and his partners to Council. Mr. Dinardi stated his company purchased Kasper Disposal and as of September 1, 2010 would be providing garbage and recycling pick up for Lebanon Borough. During a brief question and answer session, Mr. Dinardi stated the contract would be executed as printed. Large household items would be continued to be picked up upon request, Premier Disposal would be happy to provide dumpsters for the Fire Department and the 4<sup>th</sup> of July committee. Mr. Dinardi stated Sue Kasper will remain working in Glen Gardner as Lebanon Borough's contact person.

**BOGART DISCUSSION:**

Attorney Novak summarized the Bogart Litigation and explained during closed session the Governing Body at the advice of PAIC insurance made a business decision to finalize the Bogart litigation. The settlement of \$110,000.00 was reached by PAIC insurance. Two resolutions would be passed to expedite the process.

**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.**

Bob Giordano of 4 Knox Lane questioned the purpose of the Bogart Litigation.  
Attorney Novak referred to his previous summary.

**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 # 105-2010:**

**Council President Quick made a motion to approve Resolution 105-2010**

the Consent Agenda with a second by Councilman Reino.

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

**RESOLUTION #105 -2010  
CONSENT AGENDA  
August 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 Fire Company Report
2. Bethlehem & Bloomsbury Court Report
3. Lebanon Borough Certified Tax Rate
4. Clinton Rescue Squad
5. St. Hubert Report
6. YMCA letter
7. NJLM Conference Information
8. Van Der Sluys letter
9. Lebanon Fire Company –Alpaugh Lane

Introduced and adopted: August 18, 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 August 18, 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: August 18, 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 Reino made a motion to accept the Regular Meeting Minutes of July 21, 2010, the Special Meeting Minutes of August 5, 2010 and the Executive Meeting Minutes of August 5, 2010.**

**With a second by Councilman Berger.**

**The motion passed by the following roll call vote:**  
**YES: Council President Quick, Councilman Reino,**  
**Councilman Burton, Councilman Berger,**  
**NO: None**  
**ABSENT: Councilwoman Bross**  
**ABSTAIN: Councilman Coyle**

**APPROVAL OF EXPENDITURES:**

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

**Councilman Coyle seconded the motion.**

Report Printed 2010-09-10 12:32:28 Lebanon Borough  
 Check Register - (0110101001) CASH CHECKING

DATE	CHECK #	PAID TO	AMOUNT	VOID AMOUNT	VOID DATE	REASON
8/13/2010	99999	407 BOROUGH OF LEBANON-EMAIL SERVICE	-140.00			(Transfer)
8/13/2010	99999	407 BOROUGH OF LEBANON-EMAIL SERVICE	140.00			(Transfer)
8/13/2010	99999	85 LEBANON BOROUGH PAYROLL	10,625.93			(Transfer)
8/13/2010	99999	407 BOROUGH OF LEBANON-EMAIL SERVICE	130.00			(Transfer)
8/18/2010	5921	221 ASSOCIATED MAILING	306.36			
8/18/2010	5922	26 BOROUGH OF LEBANON - PETTY CASH	176.39			
8/18/2010	5923	202 CENTURYLINK	329.99			
8/18/2010	5924	202 CENTURYLINK	57.95			
8/18/2010	5925	202 CENTURYLINK	57.37			
8/18/2010	5926	262 CENTURYLINK COMMUNICATIONS, INC	19.36			
8/18/2010	5927	107 CLINTON BUSINESS PRODUCTS, INC	21.75			
8/18/2010	5928	254 CLOVER HILL LANDSCAPING LLC	1,430.35			
8/18/2010	5929	247 COMCAST	184.23			
8/18/2010	5930	132 COUNTY OF HUNTERDON	400.00			
8/18/2010	5931	284 CRUSADER LIEN SERVICES	46,180.34			
8/18/2010	5932	325 ELEPHANT OUTLOOK	209.30			
8/18/2010	5933	39 ELIZABETHTOWN GAS	49.30			
8/18/2010	5934	99 GRAMCO	122.50			
8/18/2010	5935	12 HK BUZBY & SONS	34.48			
8/18/2010	5936	153 HOME DEPOT CREDIT SVCS	38.87			
8/18/2010	5937	54 NJN PUBLISHING	207.67			
8/18/2010	5938	16 JCP&L	915.67			
8/18/2010	5939	16 JCP&L	274.08			
8/18/2010	5940	401 JOINT COURT BETHLEHEM/BLOOMSBURY	2,906.25			
8/18/2010	5941	264 JOSEPH S. NOVAK	2,800.00			
8/18/2010	5942	264 JOSEPH S. NOVAK	200.00			
8/18/2010	5943	406 Joshua Paul	870.00			
8/18/2010	5944	28 KASPER DISPOSAL SERVICE	4,832.96			
8/18/2010	5945	104 KAY WINZENRIED	265.98			
8/18/2010	5946	59 LEBANON BOROUGH BOARD OF EDUCATION	402,927.10			
8/18/2010	5947	80 MARK PARADIS	236.80			
8/18/2010	5948	253 NEW JERSEY STATE POLICE	3,913.44			
8/18/2010	5949	70 NO HUNTERDON-VOORHEES REG HS DIST	251,020.39			
8/18/2010	5950	35 NORTH HUNTERDON MUNICIPAL COURT	3,203.65			
8/18/2010	5951	37 PITNEY BOWES - RESERVE ACCOUNT	200.00			
8/18/2010	5952	68 POLAND SPRING WATER CO	32.29			
8/18/2010	5953	20 QULLL CORPORATION	288.16			
8/18/2010	5954	61 RECOGNITION GRAPHICS	150.00			
8/18/2010	5955	6 RICHARD M. CONLEY , LLC	2,717.66			
8/18/2010	5956	115 RUTGERS UNIVERSITY	388.00			
8/18/2010	5957	303 SHARP ELECTRONICS CORPORATION	184.46			
8/18/2010	5958	420 STATE OF NEW JERSEY	120.06			
8/18/2010	5959	369 STICKEL KOENIG & SULLIVAN	957.00			
8/18/2010	5960	291 STORM WATER COMPLIANCE SOLUTIONS LL	2,560.00			
8/18/2010	5961	43 TOWN OF CLINTON	72.14			
8/18/2010	5962	116 TREASURER, STATE OF NEW JERSEY	50.00			
8/18/2010	5963	275 US BANK COLLATERAL TRUSTEE/MDSASS	50,017.39			
8/18/2010	5964	192 WALMART BUSINESS	68.42			
8/18/2010	5965	27 WASTE MANAGEMENT OF NJ INC	4,187.34			
8/20/2010	99999	95 NJ STATE HEALTH BENEFITS PLAN	2,312.01			(Transfer)
8/31/2010	99999	85 LEBANON BOROUGH PAYROLL	11,849.98			(Transfer)
			786,185.45			
			24,917.92			Bank Transfers
			811,103.37			

Report Printed 2010-09-10 12:34:57 Lebanon Borough  
 Check Register - (0410101001) cash checking

DATE	CHECK #	PAID TO	AMOUNT	VOID AMOUNT	VOID DATE	REASON
7/23/2010	5917	352 RAMPART CONSTRUCTION INC		43,120.00	8/18/2010	NEVER RECEIVED BY
						8/18/2010
						399 COOPER'S
						FURNITURE
8/18/2010	5967	152 GANNETT NJ NEWSPAPERS	109.60			
8/18/2010	5968	328 DESIGN ENTERPRISES, INC.	3,510.00			
8/18/2010	5969	416 ENVIRONMENTAL TECHNOLOGY, INC	920.96			
8/18/2010	5970	78 STRYKER	1,269.00			
8/18/2010	5971	352 RAMPART CONSTRUCTION INC	43,120.00			
8/18/2010	5972	423 FLEMINGTON FABRIC DECORATING CENTER	5,000.00			
			54,198.96			
			54,198.96			
			-43,120.00			** Voided checks issued in an earlier period
			11,078.96			

**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 ORDINANCE 2010-06 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.**

**ORDINANCE 2010-06:**

**Councilman Reino made a motion to adopt Ordinance 2010-06 with a second by Councilman Berger.**

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

**ORDINANCE #2010-06**

**AN ORDINANCE AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE ACQUISITION OF LAPTOP COMPUTERS AND SOFTWARE**

**WHEREAS,** the Borough of Lebanon has funds available in the Capital Improvement Fund.

**NOW THEREFORE BE IT ORDAINED,** by the Common Council of the Borough of Lebanon, in the County of Hunterdon, and State of New Jersey as follows:

SECTION I: The sum of \$10,000.00 from the account entitled "Capital Improvement Fund" is hereby appropriated for purchase of laptop computers and software

SECTION II: This Ordinance shall take effect immediately after final passage and publication in accordance with the laws of the State of New Jersey.

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen Romano  
Borough Clerk

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

**Vote after public hearing and upon final adoption:**

Berger 1

Bross 0

Coyle 1

Quick 1

Reino 1

Burton 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 August 18, 2010 at 7:30 pm. at 6 High Street, Lebanon, New Jersey 08833.

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

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

**NOTICE OF FINAL PASSAGE**

**ORDINANCE 2010-6**

**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 18th day of August 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:**

**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**

**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, Borough Clerk

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

Vote after public hearing and upon final adoption:

Berger \_\_\_\_\_

Bross \_\_\_\_\_

Burton \_\_\_\_\_

Coyle \_\_\_\_\_

Quick \_\_\_\_\_

Reino \_\_\_\_\_

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

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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 #106-2010:**

**Councilman Berger made a motion to approve Resolution 106-2010 with a second by Councilman Burton.**

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

**RESOLUTION # 106-2010**

**WHEREAS**, the former Borough Clerk, Cecelia Bogart upon not being reappointed to her position, filed a lawsuit alleging various claims against the Borough and municipal officials; and

**WHEREAS**, continuing discussions between the Plaintiff's Attorney and the Attorneys representing the Borough through its insurance carrier during the initial phase of discovery has led to the settlement of all claims of any nature whatsoever against all Defendants with Prejudice and including attorney's fees and costs; and

**WHEREAS**, the Borough's insurance a carrier has agreed upon such settlement so to eliminate the uncertainty of trial and/or a protracted appeal process and the defense costs associated therewith; which settlement is not on the basis of liability, but on the basis of ending risk and reducing legal fees and costs; and

**WHEREAS**, any settlement negotiated by the insurance company is subject to the consent by the Borough inasmuch as such policies provide for a self insured retainer and co-insurance by the Borough; and

**WHEREAS**, upon consultation with the Attorneys for the Borough through its insurance company, and the Borough Attorney, the Governing Body has determined that it is in the best interest of the municipality to end the litigation and limit the potential expenses thereon.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Lebanon, Hunterdon County, New Jersey hereby consents to settlement of the litigation, Bogart v. Borough of Lebanon, et al. for the sum of \$110,000.00; and

**BE IT FURTHER RESOLVED** that the Mayor, Council President, Clerk and Borough Attorney are authorized to execute such documents necessary to effectuate the settlement; and

**BE IT FURTHER RESOLVED** that the sum of \$30,000.00 be appropriated by way of emergency resolution to be satisfied from 2011 taxes, subject to review and approval by the New Jersey Division of Local Government Services; and

**BE IT FURTHER RESOLVED** that the Borough CFO, Auditor, Clerk and Attorney are authorized to take the necessary steps to appropriate and pay the Borough's self insured retainer and co-insurance in the sum of \$30,000.00 toward the settlement of the matter.

LEBANON BOROUGH COUNCIL

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

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

Introduced and adopted:

Ayes: \_\_5

Nays: \_\_0\_\_

Abstain, etc. \_\_1\_\_

**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 18<sup>th</sup> day of August, 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: August 18, 2010

\_\_\_\_\_  
Karen Romano, RMC  
Municipal 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 # 107-2010:**

**Councilman Burton made a motion to approve Resolution 107-2010 with a second by Councilman Berger.**

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

**RESOLUTION #107-2010  
Town Wide Yard Sale**

**BE IT RESOLVED** that the Borough of Lebanon Mayor and Council permit one-way traffic only on the following streets on September 25, 2010, from the hours of 8:00AM to 4:00 PM, or on the rain date, September 26, 2010 from 1:00 PM to 4:00 PM.

ONE WAY:

going South on Myrtle Avenue  
going North on High Street  
going South on Maple Street

and going East on Brunswick Avenue

The Recreation Commission or State Police may, at its discretion; post "No Parking" signs where ever it is deemed necessary.

Introduced and adopted: August 18, 2010

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
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 the 18th day of August, 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: August 18, 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 # 108-2010:**

**Councilman Burton made a motion to approve Resolution 108-2010 with a second by Councilman Berger.**

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

**RESOLUTION #108-2010**

**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 payment for the redemption of a tax sale certificate.

<u>NAME/ADDRESS</u>	<u>CERT. #</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Crusader Lien Services 179 Washington Lane Jenkintown, PA 19046	2008-07	6	18.01	28,180.34 <u>18,000.00</u> 46,180.34
US Bank-Cust/Sass Muni V dtr c/o Us Bank Corp Service Group 2 Liberty Place 50 South 16 <sup>th</sup> St. Suite 1950 Philadelphia, PA 19102	2007-04	12	7	41,517.39 <u>8,500.00</u> 50,017.39

Introduced and adopted: August 18, 2010

Ayes: 5

Nays: 0

LEBANON BOROUGH COUNCIL

R. Gary Quick, Borough Council President

Absent: 1

ATTEST:

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Karen 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 on August 18, 2010.

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Karen 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 # 109-2010:**

**Councilman Burton made a motion to approve Resolution 109-2010 with a second by Councilman Reino.**

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

**RESOLUTION #109-2010**

**WHEREAS**, as emergency has arisen with respect to "Legal Settlement" and no adequate provision was made in the 2010 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of emergency appropriation for the purpose above mentioned, and

**WHEREAS**, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$29,500.00 and three percent of the total operating appropriations in the budget for the year 2009 is \$29,791.20, and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three percent of the total current operating appropriations in the budget for 2009.

**NOW THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof

affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation be and the same is hereby made for "Legal Settlement" in the amount of \$29,500.00.
2. That said emergency appropriation shall be provided for in full in the 2011 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3C(1).
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy thereof will be transmitted to the Director of Local Government Services.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

Introduced and adopted: August 18, 2010

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

**CERTIFICATION**

I, Karen M. Romano, Clerk of the Borough of Lebanon, County of Hunterdon do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Lebanon Governing Body at a meeting of said Governing Body held on August 18, 2010; and said resolution was adopted by not less than two-thirds vote of the members of the Lebanon Governing Body.

Dated: August 18, 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**

**RESOLUTION # 110-2010:**

**Council President Quick made a motion to approve Resolution 110-2010 with a second by Councilman Reino.**

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

**RESOLUTION # 110- 2010  
RC – 27**

**WHEREAS**, the governing body has commenced the renovation of the Borough Municipal Building, working in conjunction with its Buildings and Grounds Committee and the Special Advisory Committee on the renovation project; and

**WHEREAS**, a Change Order request has arisen during construction necessitated because of a Field Condition including which have been uncovered, practical considerations for modifications or inclusion of additional features to enhance the completed project, or emergent tasks which must be accomplished in a timely manner so as to not delay the project; and

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Borough of Lebanon with regard to the Municipal Building renovation project that the Change Order to Rampart Construction for a sum of \$6,000.00 for providing the general trades material and labor for revisions to the site including excavation around the underground storage tank, removal of the hedges and grand in front of the building was determined to be beyond what is contained within the Contract Documents has been approved.

Introduced and adopted: August 18, 2010

Ayes: 5  
Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
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 the 18th day of August, 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: August 18, 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 reject all Central Street Bids. All Bids came in to high.  
Councilman Reino made a motion to reject all Bids with a second by Councilman Burton.**

**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 Burton seconded the motion with the unanimous approval of Council the floor was opened.**

Joseph Hauck Vice chair of the Shade Tree Committee reported that JCP&L would be in town removing and trimming tree over the next several weeks.

**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:**Streets and Roads Chairman Councilman Reino explained the Central Street bid process. Councilman Reino stated the project would be re-bid after a meeting open to all residents.

**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 11:55 PM by unanimous vote.**

Respectfully Submitted

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



