



**LEBANON BOROUGH COMMON COUNCIL
MINUTES
JANUARY 19, 2011**

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor Reino at 7:30 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 Reino.

ROLL CALL:

Present: Mayor Reino, Council President Berger, Councilman Burton, Councilman Knoble, Councilwoman Schmidt, and Councilman Coyle

Absent: Councilman Pittinger

Also Present: Attorney Joseph Novak, Clerk Karen M. Romano

MOMENT OF SILENCE:

Mayor Reino stated a total of 7036 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 89. Mayor Reino 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 REPORT:

Mr. Tillou with DEI presented the Building Renovation Monthly Report.

DATE: January 19, 2011

TO:	BOROUGH OF LEBANON
ATT:	BOROUGH COUNCIL
FROM:	DAVID G. TILLOU
RE:	ADDITION & ALTERATIONS TO LEBANON BOROUGH HALL
CC:	

Council,

In accordance with our conversations the following is a "wish list" of improvements for the Borough Hall that the Borough is contemplating to have DEI pursue;

- Security suggestions;
 - An alarm on the exterior doors indicating a door has been operated
 - Selective cameras in strategic areas with an ability of recording activity. These cameras would record in 24 hour increments
 - An "emergency button" on each phone to alert a central station that help is needed
 - Motion detectors have been suggested.
- HVAC commissioning to assure the Owner if the installation is complete and functioning properly.
- Repair all locks so they work properly
- Replace the 28 year old roof that wasn't included in the renovations

- Upgrade the existing toilet rooms including new fixtures (sinks, urinal, and toilets) new toilet partitions, new cabinetry, re grout, and paint the walls.
- New flagpole
- Replace projection screen in accordance with email of January 14th.
- Art work to hang on the walls and plants
- Meeting room window treatment
- Upgrade basement including; painting the walls, floor, replace or patch the ceiling, replace missing partition at stairwell.
- Touch up paint in Clerk's office
- Overall landscape plan including seating area
- Cooper furniture and replacement of drawer bottoms to strengthen them
- Maintenance schedule including;
 - Elevator maintenance proposals
 - Automatic temperature controls maintenance proposals
 - HVAC maintenance proposals
 - Sprinkler maintenance proposals
 - Teledata maintenance proposals
 - Linoleum Floor and rug maintenance
- Replace base tile in new toilet room
- Electronic Information Sign of Main Street
- Dias and audience chairs for Meeting room
- Sound system for Meeting room
- Fence along both sides of property

RESOLUTION # 21-2011:

Councilman Burton made a motion to approve Resolution 21-2011 the Consent Agenda with a second by Councilwoman Schmidt.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 21-2010
CONSENT AGENDA
January 19, 2011**

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. 2011Bid Threshold
2. Lebanon Fire Company Monthly Reports
3. Hunterdon County Open Space Letter
4. Hunterdon County Dinner Dance letter
5. Meals on Wheels
6. State Police letter
7. Constellation New Energy
8. St. Hubert Report
9. Finance Report Oct, Nov., and Dec.
10. Highlands Council- completion of COAH 3rd round
11. Elizabethtown Gas Rate change

12. NHMC Rent Obligation and Dec. Disbursement

Introduced and adopted: January 19, 2011

Ayes: 6
Nays: 0
Absent: 0

Sam Berger, Council President

ATTEST: _____

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 January 19, 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle
NO: None
ABSTAIN: None
ABSENT: Councilman Pittinger

APPROVAL OF MINUTES:

Council President Berger made a motion to accept the Regular Meeting Minutes of December 15, 2010, the Executive Minutes of December 15, 2010 and the Reorganization Minutes of January 5, 2011. Releasing all Executive Minutes for Public view. With a second by Councilman Knoble.

The motion passed by the following roll call vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton and Councilman Coyle
NO: None
ABSTAIN: Councilwoman Schmidt
ABSENT: Councilman Pittinger

APPROVAL OF EXPENDITURES:

Council President Berger made a motion to approve the bill list for January 2011. Councilman Burton seconded the motion.

Report Printed 2011-01-14 13:11:39 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
Current Fund			
403 - AMERICAN PROTECTIVE SYSTEMS, INC	PO 3669 2011 MONTHLY MONITORING SVC, ACCT 1	480.00	480.00
26 - BOROUGH OF LEBANON - PETTY CASH	PO 3670 PETTY CASH	200.00	200.00
202 - CENTURYLINK	PO 3630 TELEPHONE SVC FOR DEC 2010 SVC, ACC	231.24	231.24
247 - COMCAST	PO 3633 INTERNET SVC FOR DEC 2010, ACCT 017	280.91	280.91
437 - COMPUTER SYSTEMS & METHODS	PO 3566 LAP TOP COMPUTERS FOR THE FIRE DEPA	13,000.00	13,000.00
38 - COUNTY OF HUNTERDON	PO 3640 UNLEADED GASOLINE/DIESEL FUEL FOR N	332.65	332.65
13 - COUNTY OF HUNTERDON - COUNTY TAX	PO 3650 1ST QTR COUNTY TAX	238,221.90	238,221.90
13 - COUNTY OF HUNTERDON - COUNTY TAX	PO 3651 ADDED COUNTY TAX	14,904.60	14,904.60
14 - COUNTY OF HUNTERDON - LIBRARY TAX	PO 3652 1ST QTR LIBRARY TAX	20,044.76	20,044.76
14 - COUNTY OF HUNTERDON - LIBRARY TAX	PO 3653 LIBRARY ADDED & OMITTED TAXES FOR 2	1,258.66	1,258.66
15 - COUNTY OF HUNTERDON- OPEN SPACE TAX	PO 3654 1ST QTR OPEN SPACE TAX	24,827.74	24,827.74
15 - COUNTY OF HUNTERDON- OPEN SPACE TAX	PO 3655 2011 OPEN SPACE ADDED & OMITTED TAX	1,569.45	1,569.45
118 - DEPENDABLE FIRE EQUIPMENT CO.	PO 3642 2010 ANNUAL MAINTENANCE FEE, INV 42	305.00	305.00
111 - ELIZABETH C MCKENZIE	PO 3678 PROF PLANNING SVCS FORDECEMBER 201	62.50	62.50
39 - ELIZABETH TOWN GAS	PO 3638 NATURAL GAS SVC, ACCT 6822385611	977.59	977.59
46 - FERRIERO ENGINEERING	PO 3622 NOV 2010 ENG SVCS - BELLEMEAD DEV S	120.00	120.00
449 - FRANK GALLAGHER	PO 3613 REDEMPTION OF A TAX SALE CERTIFICAT	400.00	400.00
56 - GFOA OF NEW JERSEY	PO 3657 2011 MEMBERSHIP DUES FOR KAY WINZE	90.00	90.00
12 - HK BUZBY & SONS	PO 3641 MISC SUPPLIES, INV 300453/H05102/30	22.18	22.18
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 3658 DENTAL INSURANCE FOR JANUARY & FEBR	491.62	491.62
54 - NJN PUBLISHING	PO 3631 LEGAL ADS FOR DEC 2010, ACCT L90118	43.95	43.95

16 - JCP&L	PO 3632	ELECTRIC SVC FOR DEC 2010, ACCT 200	2,150.04	2,150.04
16 - JCP&L	PO 3676	ELECTRIC SVCS FOR ACCT140575/143512	303.66	303.66
16 - JCP&L	PO 3677	SVCS FOR ACCT 100063647000/1000636	6.50	6.50
264 - JOSEPH S. NOVAK	PO 3679	MONTHLY LEGAL SERVICES	3,000.00	3,000.00
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 3648	JANUARY 2011 LOCAL SCHOOL TAX	219,031.10	219,031.10
452 - MATARAZZO EXCAVATION & MASONRY	PO 3629	SNOW REMOVAL SVCS FOR DEC 2010	4,507.50	4,507.50
452 - MATARAZZO EXCAVATION & MASONRY	PO 3665	SNOW REMOVAL SVCS FOR 1/7/2011	1,245.43	1,245.43
452 - MATARAZZO EXCAVATION & MASONRY	PO 3666	SNOW REMOVAL SVCS FOR 1/8/2011	627.93	627.93
294 - MEENAN OIL CO	PO 3639	HEATING OIL DELIVERY FOR ACCT 50-23	279.39	279.39
338 - MIMAS	PO 3621	LUNCHEON FOR CROSSING GUARDS	218.85	218.85
9 - MUNICIPAL SOFTWARE, INC	PO 3647	DATA PROCESSING SVCS FOR2011, INV 3	2,870.70	2,870.70
253 - NEW JERSEY STATE POLICE	PO 3636	STATE POLICE SERVICES FOR NOV 2010,	3,913.44	3,913.44
47 - NJ ECONOMIC DEVELOPMENT AUTHORITY	PO 3675	INTEREST PAYMENT ON LOAN L01307	168.75	168.75
40 - NJ PLANNING OFFICIALS	PO 3674	2011 MEMBERSHIP DUES	315.00	315.00
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 3673	2011 MEMBERSHIP DUES, INV MLJ201025	252.00	252.00
244 - NJCM	PO 3663	2011 MEMBERSHIP DUES	295.00	295.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 3649	JANUARY 2011 REGIONAL SCHOOL TAX	251,020.39	251,020.39
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 3659	JANUARY 2011 MUNICIPAL COURT RENT	674.22	674.22
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 3660	FEBRUARY 2011 MUNICIPAL COURT REN	674.22	674.22
233 - PITNEY BOWES	PO 3637	MAIL MACHINE SUPPLIES ACCT 15960215	114.72	114.72
32 - PUBLIC ALLIANCE INS. COVERAGE FUND	PO 3661	FIRST INSTALLMENT WORKERS COMPENSAT	12,833.00	12,833.00
20 - QUILL CORPORATION	PO 3644	OFFICE SUPPLIES, ACCT C671593	268.72	268.72
61 - RECOGNITION GRAPHICS	PO 3667	NAMEPLATES, INV 2064	15.00	15.00
6 - RICHARD M. CONLEY, LLC	PO 3620	LEGAL SVCS FOR OCT, NOV, DEC 2010	1,332.18	1,332.18
453 - RR DONNELLY	PO 3618	CERTIFIED COPY OF VITAL RECORD, CUS	62.50	62.50
7 - SDG ALARMTRONICS	PO 3672	ALARM MONITORING CHG FOR 1ST QTR, C	93.00	93.00
303 - SHARP ELECTRONICS CORPORATION	PO 3656	COPIER LEASE FORJANUARY 2011 0, CON	184.46	184.46
176 - SHOPRITE OF HUNTERDON COUNTY	PO 3628	GROCERIES/SUPPLIES	248.41	248.41
21 - TCTA OF NEW JERSEY	PO 3662	2011 MEMBERSHIP DUES	25.00	25.00
327 - THOMSON REUTERS	PO 3643	NJ LAND USE LAW, ACCT 1000173874	27.00	27.00
43 - TOWN OF CLINTON	PO 3646	4TH QTR FIRE HYDRANT,OCT NOV DEC 20	5,908.50	5,908.50
116 - TREASURER, STATE OF NEW JERSEY	PO 3625	MARRIAGE LICNESE REPORT FOR OCT/NOV	25.00	25.00
116 - TREASURER, STATE OF NEW JERSEY	PO 3671	CERTIFICATION RENEWAL FOR KAY WINZE	100.00	100.00
192 - WALMART BUSINESS	PO 3627	SUPPLIES FOR CROSSING GUARD LUNCHEO	21.80	21.80
27 - WASTE MANAGEMENT OF NJ INC	PO 3668	SOLID WASTE DISPOSAL FOR DEC 2010,	3,224.78	3,224.78
241 - WILLIAM SHURTS, ESQ	PO 3635	LEGALS SVCS FOR NOV 2010, PB/BOA	45.00	45.00

TRUST FUNDS

321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 3619	DOG LICENSE REPORT FOR DEC 2010	1.20	1.20
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GENERAL CAPTITAL FUND

328 - DESIGN ENTERPRISES, INC.	PO 3664	CONSTRUCTION MANAGEMENT SVCS FOR SE	1,040.00	1,040.00
46 - FERRIERO ENGINEERING	PO 3623	NOV 2010 ENG SVCS - CENTRAL STREET	17,085.40	17,085.40
448 - TOP LINE CONSTRUCTION CORP	PO 3645	ESTIMATE #2 CENTRAL STREET SIDEWALK	66,295.86	66,295.86

TOTAL

918,370.40

Total to be paid from Fund 01 Current Fund	833,947.94
Total to be paid from Fund 03 TRUST FUNDS	1.20
Total to be paid from Fund 04 GENERAL CAPTITAL FUND	84,421.26
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	918,370.40

ESCROW

January 2011

1/19/2011	William Shurts	\$30.00	123.52	Nov-10	Bank of America
1/19/2011	William Shurts	\$345.00	123.044	Nov-10	Clinton Honda
1/19/2011	William Shurts	\$105.00	123.051	Oct-10	Ikaria
1/19/2011	William Shurts	\$7.50	123.045	Oct-10	JDN Properties
1/19/2011	William Shurts	\$135.00	123.045	Nov-10	JDN Properties
1/19/2011	William Shurts	\$7.50	123.042	Oct-10	Lata, LLC
1/19/2011	William Shurts	\$7.50	123.049	Oct-10	Lebanon Reformed
1/19/2011	William Shurts	\$135.00	123.041	Nov-10	Metropolitan Seafood
1/19/2011	William Shurts	\$7.50	123.002	Oct-10	Moglia
1/19/2011	William Shurts	\$135.00	123.048	Oct-10	Pizzo
1/19/2011	William Shurts	\$75.00	123.05	Oct-10	Rolling East Motorcycle
1/19/2011	William Shurts	\$15.00	123.004	Oct-10	Serra
1/19/2011	Ferriero Engineering	\$380.00	45081	Sep-10	Coach House
1/19/2011	Ferriero Engineering	\$480.00	45270	Nov-10	Clinton Honda
1/19/2011	Ferriero Engineering	\$600.00	45152	Nov-10	Cutshaw
1/19/2011	Ferriero Engineering	\$1,380.00	45082	Sep-10	Ikaria
1/19/2011	Ferriero Engineering	\$60.00	45154	Nov-10	JDN Properties
1/19/2011	Ferriero Engineering	\$120.00	44866	Sep-10	Lata, LLC
1/19/2011	Ferriero Engineering	\$186.76	45079	Oct-10	Pizzo
1/19/2011	Ferriero Engineering	\$240.00	45083	Oct-10	Rolling East Motorcycle
		\$4,451.76			

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

OPEN PUBLIC SESSION #1:

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

Rob Gordano of 4 Knox Lane stated he was not happy with the appearance of the Heights of Lebanon and the Planning Board approved an eyesore. Attorney Novak stated the Planning Board does not control ascetics.

Alex Patullo of Home Solutions expressed his concern with the current Construction Code Official of Lebanon Borough. Mr. Patullo stated he would not be continuing to do business in Lebanon if he remained. He has cost him too much money. Mr. Patullo presented mayor Reino with a binder of issue with the Construction Code Official.

Michael Wade Esq. of Rock U LLC. Stated the Construction Code Official was a bad representation of Lebanon Borough. He displayed many flawed character issues and cost him \$100,000 in unnecessary extras, he lied to our professionals, to him, and bullied the applicant. Attorney Novak explained that the Construction Code Official was not a paid employee of Lebanon Borough. Lebanon has a Shared Service with Clinton Township. Totally control remains with Clinton Township.

William Skene of Nitzer Ave. Stated the relationship with the Share Service in Clinton Township was good until recently. Attorney Novak agreed.

Mayor Reino stated Lebanon will look into the matter further and thanked the two gentlemen.

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

ORDINANCE# 2011-01:

Council President Berger made a motion to INTRODUCE Ordinance #2011-01 with a second by Councilman Knoble.

BOROUGH OF LEBANON

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2011-01

**AN ORDINANCE OF THE BOROUGH OF LEBANON ENABLING THE GOVERNING BODY
TO SERVE AS THE LOCAL BOARD OF HEALTH**

WHEREAS, pursuant to N.J.S.A 26: 3-1 the Board of Health of the Borough of Lebanon was established by Ordinance adopted on May 18, 1954 providing for the appointment six citizen members by the Mayor with the advise and consent of the Council; and

WHEREAS, the Lebanon Borough Board of Health has functioned as a separate entity regulating, controlling and carrying out its responsibilities through the adoption of Ordinances, Resolutions, rules and regulations, and establishing policy governing health issues in the Borough; and

WHEREAS, the Hunterdon County Board of Health was designated as the agent of the local Board of Health to fulfill all of it's inspection and related responsibilities, such that the Lebanon Board of Health served only as a policy making body, meeting irregularly throughout the year; and

WHEREAS, the Board of Health has adopted resolution #10-2010 BOH recommending that the original enabling Ordinance establishing it as a separate entity be amended to provide that the Mayor and Council be appointed to serve as the local Board of Health

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

Section 1 - The enabling Ordinance adopted by the Borough of Lebanon on May 19, 1954 establishing the Board as a separate entity with citizen member representatives is hereby repealed upon this Ordinance being adopted taking full legal effect.

Section 2- There is hereby established pursuant to N.J.S.A. 26:3-1, et seq. the Board of Health of the Borough of Lebanon, New Jersey.

1. Purpose: The purpose of this Ordinance is to carry out the mandate of the New Jersey Statutes requiring that every Municipality establish a local Board of Health to address and regulate public health within its boundaries.

2. Membership Composition, Appointment and Term of Office. The Board of Health of the Borough of Lebanon, New Jersey shall consist of seven members, each of whom shall be a member of the Governing Body, and at the annual reorganization of the municipality, shall be appointed by the Mayor with the advise and consent of the Council. The term of each member shall run concurrently with their term of elected office.

3. Powers. The Lebanon Borough Board of Health shall have the power to pass, alter, or amend Ordinances, Resolutions, and make rules and regulations with regard to public health within the boundaries of the Borough of Lebanon, and more particularly for the purposes as set forth in N.J.S.A. 26:3-3-1.

4. Delegation. The Lebanon Borough of Health may delegate by resolution, any of its powers to any member of the Board or any officer thereof, or the County Board of Health, as the Lebanon Borough Board of Health may deem proper and appropriate to carry out its responsibilities.

5. Budget. The Lebanon Borough Board of Health, shall each year, before the budget of municipal taxes to be levied for the year shall be determined, present to the

Governing Body of the Municipality, an estimate of the appropriation which it believes necessary for health purposes. The Governing Body shall appropriate the amount of such estimate or such amount as it may determine to be sufficient to accomplish the responsibilities of the Board of Health.

Section 3- All Ordinances, Resolutions and rules and regulations heretofore adopted by the Lebanon Borough Board of Health are continued in full force and effect, without interruption, and to the extent necessary by law, are hereby readopted so that there is no lapse of any Ordinance, Resolution, rule or regulation.

Section 4 - 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 5 – 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

Samuel Berger, Council President

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Coyle 1

Ordinance approved by the Governing Body and presented
to the Mayor on _____, 2011.

Knoble 1

Pittinger 0

Schmidt 1

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2011

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on January 19, 2011 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 February 16, 2011 at 7:30 p.m. at 6 High Street, Lebanon, New Jersey.

Karen M. Romano, R.M.C.
Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 22-2011:

Council President Berger made a motion to approve Resolution 22-2011 with a second by Councilman Knoble.

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

RESOLUTION NO. 22-2011

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 premium on a tax sale certificate. The payment for redemption of tax sale certificate #2010-02 was made by a check # 5045 from Lee Roth Esq. to Frank Gallagher.

<u>NAME/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>CERT #</u>	<u>AMOUNT</u>
Frank Gallagher 6 Blackwell Road Flemington NJ 08822	2	12	2010-02 premium	400.00

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent: 0
Abstain: 0

Council President, Sam Berger

ATTEST:

Karen M. Romano, RMC
Lebanon 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 January 19, 2011, 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 23-2011:

Council President Berger made a motion to approve Resolution 23-2011 with a second by Councilman Knoble.

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

RESOLUTION NO. 23-2011

**A RESOLUTION AUTHORIZING THE CHIEF FINANCE
OFFICER TO REFUND ESCROW BALANCES**

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 refund the following escrow accounts at the advice of the Borough Engineer.

7200015774	Bourbon Street LLC	close account	\$ 72.04
7200015785	Bourbon Street LLC	reduce to \$500.00	\$ 7,354.42

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent: 0
Abstain: 0

Council President, Sam Berger

ATTEST:

Karen M. Romano, RMC
Lebanon 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 January 19, 2011, 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 24-2011:

Council President Berger made a motion to approve Resolution 24-2011 with a second by Councilman Knoble.

Interlocal Services Agreement Tewksbury Township and Lebanon Borough

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

RESOLUTION # 24-2011

WHEREAS, the Borough of Lebanon is desirous of having the Township of Tewksbury provide public works and road maintenance services and wishes to utilize the services of the Township on a fee for service basis; and

WHEREAS, The Township is willing to provide such services provided the Township has material, equipment and available personnel to perform the work requested by the Borough; and

WHEREAS, the terms hereof shall cover from January 1, 2011 through December 31, 2011; the agreement may be extended by mutual agreement for an additional period not to exceed four years and

WHEREAS, pursuant to NJSA 40:8A-1 et seq. (Interlocal Service Act), it is hereby agreed this 19th day of January 2011, by and between the Township and the Borough as follows:

- A. The Borough annually shall designate a Liaison from the Borough Council in conjunction with the Borough Engineer (when applicable) as representatives for communications with the Township during the agreement period. The scope of work to be performed by the Township will be provided and approved by the Borough Council and forwarded to the Township. The Township DPW Superintendent and Township Administrator will be the points of contact with the Borough.
- B. The Borough approved annual plan for the scope of work shall be forwarded to the Township to allow time for review of the requested work and to determine the time needed and availability of equipment and personnel to perform the particular task. Upon review and approval by the Township of the proposed work, the scope of work will be budgeted for by the Township. The DPW Superintendent will subsequently schedule the work to be performed. Emergency work for tasks specified in Schedule A may be provided on request for emergent situations if Township resources are available.
- C. The Borough shall make the Liaison and/or Borough Engineer available for clarification of the scope of work proposed.
- D. The timing for performance and completion of the proposed work shall be at the sole determination of the Township point of contact and the availability of the equipment and personnel.
- E. Invoicing shall be done on a quarterly basis. The Township will provide an invoice of work performed, materials used and time for labor as an addendum to the invoice.
- F. The Township DPW Superintendent shall provide an annual report of activities performed for the Borough with a copy to the Township Committee. If work is done in a given month a monthly report will be provided.
- G. The Township and Borough agree to the following schedule of rates:
 - 1. Materials .The cost incurred by the Township for the purchase and delivery, if applicable, of material required to be utilized hereunder will be the responsibility of the Borough and bills will be included in the quarterly invoice.
 - 2. Labor. Employees of the Tewksbury Township Department of Public Works will be billed to the Borough at the hourly rates for the individuals performing the work. Emergency rates will be at time and a half or double time as appropriate. Time will be billed to the nearest quarter hour and will include travel time to and from the Tewksbury DPW facility. A ten percent surcharge for labor will be assessed above the actual labor rates charged.
 - 3. Equipment. Equipment used that the Township of Tewksbury owns will be billed at FEMA rates and will not be prorated for less than one half day increments. Equipment not specified by FEMA rates will be billed at the rate most closely matching the equipment in question. Rates for 2010 are attached as Schedule B. A ten percent surcharge will be assessed for equipment.

Rental charges associated with equipment that the Township does not own will be billed to the Borough as incurred and will be included in the next quarterly billing.
 - 4. Shared Bidding. For projects bid jointly (e.g. capital road projects, storm drain repairs) the Borough will provide the Township with specifics of the items to be included, for inclusion in the Township bid. Prior to award, the Borough will certify availability of funds per State guidelines. The Township will invoice the Borough for work done during the project on a monthly basis.
- H. The Borough shall name the Township as an additional insured under all policies of insurance that would otherwise be applicable to the Borough in the performance of road maintenance or projects and shall provide a certificate of insurance annually to the Township.
- I. The Borough does hereby agree at its sole expense to defend, hold harmless and indemnify the Township, its officers, employees, agents or servants as to all matters and expenses arising out of this agreement for any claim of any nature whatsoever to include attorney's fees and court costs incurred by the Township.

- J. 1. Assignment. This agreement may not be assigned by either party without the prior written consent of the other party.
2. Entire Agreement. This agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this agreement shall be valid unless the same shall be in writing and signed by all of the parties hereto.
3. Severability. If any clause, sentence, paragraph, section or part of this agreement shall be adjusted to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof, directly involved in the controversy in which such judgment shall have been rendered.
4. Nothing in this agreement shall be construed to create a partnership or joint venture between the Township and the Borough. The parties expressly disdain any right to act by or on behalf of each other unless otherwise expressly provided herein.
5. This agreement shall be construed and enforced in accordance with the laws of the State of New Jersey.
6. All covenants and agreements set forth herein shall bind and insure to the benefit of the respective successors and assigns of the parties.
7. Compliance. The parties hereto shall comply with all applicable rules, regulations and statutes of New Jersey.

ATTEST:

TOWNSHIP OF TEWKSBURY

Roberta A. Brassard, RMC

Robert M. Hoffman, Mayor

ATTEST:

BOROUGH OF LEBANON

Karen M. Romano, RMC

Michael F. Reino, Mayor

Introduced and adopted: January 19, 2011
Ayes: 5
Nays: 0
Absent: 1
ATTEST:

LEBANON BOROUGH COUNCIL

Sam Berger, Borough Council President

Karen M. Romano, RMC
Lebanon Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held January 19, 2011.

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 25-2011:

Council President Berger made a motion to approve Resolution 25-2011 with a second by Councilman Knoble.

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

RESOLUTION #25-2011

Pay to Play

WHEREAS, on January 1, 2010, 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 2011; 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 2011 contracts shall be awarded under the “non-fair and open” process:
 - Richard Preiss PP Planner
 - Richard M. Conley Esq. Special Counsel
 - Robert Ballard Esq. Special Counsel
 - David Tillou Construction manager
2. The said professionals, prior to securing such contract, shall execute and file with the Clerk of the municipality, a 2011 Business Entity Disclosure Certification pursuant to *N.J.S.A.* 19:44A-20.8

Introduced and adopted: January 19, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger, Council President

ATTEST: _____

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 19th day of January 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 26-2011:

Council President Berger made a motion to approve Resolution 26-2011 with a second by Councilman Knoble.

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

RESOLUTION #26-2011

THE LEBANON BOROUGH SPECIAL COUNCIL

WHEREAS, the Borough of Lebanon Council has determined a need for the services of Richard M. Conley Esq. of 122 Main Street P.O. Box 662 Flemington, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that Richard M. Conley Esq. has the requisite experience for such specialized matters;

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

1. Richard M. Conley Esq. is hereby retained as Special Counsel to the Borough of Lebanon as of January 1, 2011.
2. The Mayor and Clerk are hereby authorized to execute a professional services contract with Richard M. Conley Esq. on the condition that the Special Counsel shall complete a Business Entity Disclosure Certification.
3. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
4. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough Council President

ATTEST: _____

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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 27-2011:

Council President Berger made a motion to approve Resolution 27-2011 with a second by Councilman Knoble.

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

RESOLUTION #27-2011

THE LEBANON BOROUGH AUDITOR

WHEREAS, the Borough of Lebanon Council has determined a need for the services of William M. Colantano Jr. CPA of 100 Route 31 North Washington, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that William M. Colantano Jr. CPA has the requisite experience for such specialized matters;

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

5. William M. Colantano Esq. is hereby retained as Auditor to the Borough of Lebanon as of January 1, 2011.
6. The Mayor and Clerk are hereby authorized to execute a professional services contract with William M. Colantano Jr. CPA on the condition that the Auditor shall complete a Business Entity Disclosure Certification.
7. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
8. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011
Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough Council President

ATTEST: _____

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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 28-2011:

Council President Berger made a motion to approve Resolution 28-2011 with a second by Councilman Knoble.

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

RESOLUTION #28-2011

THE LEBANON BOROUGH ENGINEER

WHEREAS, the Borough of Lebanon Council has determined a need for the services of Paul W. Ferriero, PE & PP of Paul W. Ferriero Engineering Inc. 180 Main Street P.O. Box 571, Chester, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that Paul W. Ferriero, PE & PP has the requisite experience for such specialized matters;

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

9. Paul W. Ferriero, PE & PP is hereby retained as Engineer to the Borough of Lebanon as of January 1, 2011.
10. The Mayor and Clerk are hereby authorized to execute a professional services contract with Paul W. Ferriero, PE & PP on the condition that the Engineer shall complete a Business Entity Disclosure Certification.

11. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
12. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011
Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough 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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 29-2011:

Council President Berger made a motion to table Resolution 29-2011 with a second by Councilman Knoble.

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 30-2011:

Council President Berger made a motion to approve Resolution 30-2011 with a second by Councilman Knoble.

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

RESOLUTION #30-2011

THE LEBANON BOROUGH COUNCIL

WHEREAS, the Borough of Lebanon Council has determined a need for the services of Joseph Novak Esq. of 43 Church Street, Flemington, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that Joseph Novak Esq. has the requisite experience for such specialized matters;

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

13. Joseph Novak Esq. is hereby retained as
14. Counsel to the Borough of Lebanon as of January 1, 2011.
15. The Mayor and Clerk are hereby authorized to execute a professional services contract with Joseph Novak Esq. on the condition that the Counsel shall complete a Business Entity Disclosure Certification.
16. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
17. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough Council, President

ATTEST: _____

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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 31-2011:

Council President Berger made a motion to approve Resolution 31-2011 with a second by Councilman Knoble.

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

RESOLUTION #31-2011

THE LEBANON BOROUGH COUNCIL

WHEREAS, the Borough of Lebanon Council has determined a need for the services of William Shurts Esq. of Old Highway #28 P.O. Box 492, Whitehouse, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that William Shurts Esq. has the requisite experience for such specialized matters;

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

18. William Shurts Esq. is hereby retained as
19. Counsel to the Borough of Lebanon as of January 1, 2011.

20. The Mayor and Clerk are hereby authorized to execute a professional services contract with William Shurts Esq. on the condition that the Counsel shall complete a Business Entity Disclosure Certification.

21. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.

22. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011

Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough Council President

ATTEST:_____

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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None
ABSTAIN: None
ABSENT: Councilman Pittinger

RESOLUTION # 32-2011:

Council President Berger made a motion to approve Resolution 32-2011 with a second by Councilman Knoble.

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

RESOLUTION #32-2011

THE LEBANON BOROUGH CONSTRUCTION MANAGER

WHEREAS, the Borough of Lebanon Council has determined a need for the services of DESIGN ENTERPRISE INC. of 82 Bethany Road, Suite 12 Hazlet, New Jersey; and

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that has the requisite experience for such specialized matters;

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

23. David Tillou CM. is hereby retained as Construction Manager to the Borough of Lebanon as of January 1, 2011.
24. The Mayor and Clerk are hereby authorized to execute a professional services contract with David Tillou CM on the condition that the Construction Manager shall complete a Business Entity Disclosure Certification.
25. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
26. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted: January 19, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger
Borough Council President

ATTEST: _____

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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 33-2011:

Council President Berger made a motion to approve Resolution 33-2011 with a second by Councilman Knoble.

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

RESOLUTION # 33-2011

ANNUAL APPOINTMENTS RESOLUTION

WHEREAS, Municipal employees, other than those appointed for specific terms pursuant to New Jersey statutes are subject to annual reappointment, and the Governing Body wishes to make those appointments for 2011.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon, that the following persons are appointed to the stated positions for a period January 1, 2011 through the annual reorganization of the Borough of Lebanon in January 2012.

Karen Romano -	Borough Clerk
Lisa Sella -	Borough Deputy Clerk
Kay Winzenreid -	CFO & Tax Collector
Joe Hauck -	Zoning Officer

BE IT FURTHER RESOLVED, that aforesaid employees shall be compensated in accordance with the 2011 salary resolution adopted by the Borough Council; and

BE IT FURTHER RESOLVED, that the school crossing guards and maintenance person have been appointed by specific designation in the reorganization Motion of the Council and shall compensated at the hourly rates as established by the funding resolution for such positions

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Samuel Berger, Council President

Introduced and adopted:

Ayes: 5

Nays: 0

Absent: 1

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 19th day of January, 2011; 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: January 19, 2011

Karen Romano, RMC
Municipal Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 34-2011:

Council President Berger made a motion to approve Resolution 34-2011 with a second by Councilman Knoble.

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

RESOLUTION NO. 34-2011

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") held at Borough Hall, 6 High Street, Lebanon, New Jersey, on January 19, 2011
at 7:30 p.m.

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF
THE OFFERING OF \$3,522,000 GENERAL IMPROVEMENT BONDS,
SERIES 2011, OF THE BOROUGH OF LEBANON, IN THE COUNTY
OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH")
AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN
OTHER MATTERS WITH RESPECT THERETO**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AS FOLLOWS:**

Section 1. The \$3,522,000 General Improvement Bonds, Series 2011, of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") referred to and described in the resolution duly adopted by the Borough Council pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), on January 19, 2011 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,522,000 IN PRINCIPAL AMOUNT", shall be issued and designated as General Improvement Bonds, Series 2011, of the Borough (the "Bonds"). The Bonds shall mature in the principal amounts on February 1, in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012	\$120,000	2022	\$175,000
2013	125,000	2023	180,000
2014	125,000	2024	190,000
2015	130,000	2025	200,000
2016	135,000	2026	210,000
2017	140,000	2027	220,000
2018	145,000	2028	235,000
2019	150,000	2029	235,000
2020	160,000	2030	240,000
2021	170,000	2031	237,000

The Bonds are subject to redemption prior to their stated maturities in accordance with the bond form attached hereto as Exhibit A. The Bonds shall be twenty (20) in number, unless the purchaser shall structure a portion of the serial maturities as one or more term bonds in accordance with the Local Bond Law and the Notice of Sale (as defined herein) authorized herein, with one bond certificate being issued for each year of maturity and shall be designated and numbered from GI-1 upwards.

Section 2. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository") for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book entry system for recording the interests of its Participants ("Participants") or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 each or any integral multiple thereof, with minimum purchases of \$5,000 required, except that any amount of Bonds maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its Participants. The Bonds will be dated their date of delivery and shall bear interest from such date, which interest shall be payable semiannually on the first day of February and August in each year until maturity or prior redemption, commencing August 1, 2011 at a rate or rates per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The Bonds of this issue are not subject to redemption prior to their stated maturities. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the Participants of DTC as listed on the records of DTC as of each January 15 and July 15 for the Bonds (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer of the Borough under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Borough. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery;
Principal Payment Date:	February 1, 2012 and each February 1 thereafter until maturity or prior redemption;
Interest Payment Dates:	Semiannually on each February 1 and August 1 until maturity or prior redemption, commencing August 1, 2011;
Place of Payment:	Cede & Co., New York, New York.

Section 3. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel to the Borough (as hereinafter defined).

Section 4. The Bonds shall be sold upon receipt of electronic bids on Thursday, February 17, 2011 at 11:30 a.m. by the Chief Financial Officer of the Borough on Grant Street Group's MuniAuction website ("MuniAuction"), in accordance with the Notice of Sale authorized herein. The use of the services provided by MuniAuction and the fees associated therewith are hereby approved. Bond Counsel to the Borough, on behalf of the Clerk of the Borough, is hereby authorized and directed to arrange for the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York and the full text of such Notice of Sale in the Hunterdon County Democrat, such Notice of Sale to be published not less than seven (7) days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby

designates the Chief Financial Officer of the Borough as the financial officer authorized to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officers shall report in writing the results of the sale to the Borough Council at its next regularly scheduled meeting thereafter. The Chief Financial Officer is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

Section 5. The Notice of Sale in the form set forth at Exhibit B attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, upon advice of Bond Counsel to the Borough (as hereinafter defined).

Section 6. The Bonds shall have attached a copy thereto of the written opinion with respect to such Bonds that is to be rendered by the law firm of Wilentz, Goldman & Spitzer, P.A., Bond Counsel to the Borough ("Bond Counsel"). The Clerk of the Borough is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Borough.

Section 7. Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Final Official Statement (as hereinafter defined), which Preliminary Official Statement and Final Official Statement are each hereby authorized to be prepared by Bond Counsel, William M. Colantano, Jr., CPA, PSA, RMA, Washington, New Jersey, auditor to the Borough (the "Auditor"), and other Borough officials. Bond Counsel is also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Mayor, Chief Financial Officer and Clerk of the Borough are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Final Official Statement. Bond Counsel and the Auditor are hereby further authorized and directed, to obtain ratings on the Bonds and to prequalify the Bonds for municipal bond insurance and to prepare and submit financial and other information on the Borough to a rating agency and municipal bond insurers.

Section 8. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended and supplemented (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 9. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 10. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry only form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Obligations. The Borough shall be obligated to provide for the execution and delivery of the Registered Obligations in certified form.

Section 11. The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the offering and sale of the Bonds. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser

of the Bonds in accordance with the provisions of the Rule, for its use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 12. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the respective Continuing Disclosure Certificate for the Bonds (the "Certificate"), which will set forth the obligation of the Borough to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material with respect to the Bonds, in accordance with the provisions of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the respective Certificate to the purchaser of the Bonds evidencing the Borough's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder.

Section 13. The Chief Financial Officer of the Borough is hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Chief Financial Officer, prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, and the Auditor), and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer, the Clerk of the Borough and any other Borough Official or professional, including but not limited to Bond Counsel, the Auditor, the Borough Engineer and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Borough Officials heretofore are hereby ratified and confirmed.

Section 14. The Bonds are "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B)(ii) of the Code.

Section 15. This resolution shall take effect immediately.

CERTIFICATION

I, KAREN M. ROMANO, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing annexed extract from the minutes of the regular meeting of the Borough Council duly called and held on January 19, 2011, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended and supplemented, has been compared by me with the original minutes thereof as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ____ day of January, 2011.

(SEAL)

KAREN M. ROMANO, RMC
Clerk of the Borough of Lebanon

EXHIBIT A

**UNITED STATES OF AMERICA
BOROUGH OF LEBANON
IN THE COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

GENERAL IMPROVEMENT BOND, SERIES 2011

NUMBER GI- _____

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
Date of Delivery	February 1, _____	_____ %	_____

REGISTERED OWNER: Cede & Co., New York, New York

PRINCIPAL SUM: _____ Dollars
(\$ _____)

THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, New York, New York, which will act as Securities Depository ("Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond at the Rate of Interest Per Annum specified above semiannually on the first day of February and August (each an "Interest Payment Date") in each year until maturity or prior redemption, commencing August 1, 2011. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent and will be credited to the Participants ("Participants") of The Depository Trust Company as listed on the records of The Depository Trust Company as of the fifteenth day of January and July preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to February 1, 2021 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after February 1, 2021 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after February 1, 2020, upon notice as required herein at one hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

This Bond is one of an authorized issue of Bonds issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), a resolution of the Borough Council duly adopted January 19, 2011 entitled, "RESOLUTION PROVIDING FOR

THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,522,000 IN PRINCIPAL AMOUNT", and the various bond ordinances referred to therein, all finally adopted, duly approved and published as required by law and a resolution of the Borough Council duly adopted January 19, 2011 entitled, "RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$3,522,000 GENERAL IMPROVEMENT BONDS, SERIES 2011, OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of Lebanon, in the County of Hunterdon, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed to this Bond, and the seal to be attested to by the manual signature of the its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

BOROUGH OF LEBANON,
IN THE COUNTY OF HUNTERDON,
STATE OF NEW JERSEY

ATTEST:

(SEAL)

MICHAEL REINO,
Mayor

KAREN M. ROMANO, RMC
Clerk

KAY WINZENRIED,
Chief Financial Officer

EXHIBIT B

**BOROUGH OF LEBANON
IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

**NOTICE OF SALE
\$3,522,000 GENERAL IMPROVEMENT BONDS, SERIES 2011**

BOOK-ENTRY ONLY

BANK QUALIFIED

CALLABLE

SUMMARY

ISSUER: Borough of Lebanon, in the County of Hunterdon, State of New Jersey

PAR AMOUNT: \$3,522,000 General Improvement Bonds, Series 2011

SECURITY: General Obligations of the Borough

TAX EXEMPT: Yes

RATINGS: Standard & Poor's – Expected

INSURANCE: The Winning Bidder of the Bonds may, at its sole option and expense, purchase a policy of municipal bond insurance.

TYPE OF SALE: Electronic Auction with Two Minute Rule (See Bidding Details Item (8) herein).

AUCTION AGENT: MuniAuction

BID/AWARD DATE: February 17, 2011 at 11:30 a.m. to 11:45 a.m. with the Two Minute Rule applicable. Award by 2:00 p.m.

DATED DATE: Date of Delivery

DELIVERY DATE: On or about February 24, 2011

INTEREST PAYMENT DATES: February 1 and August 1, commencing August 1, 2011

CALL DATE: None

MINIMUM BID: \$3,522,000 (Par)

BID SECURITY: Good Faith Check or wire transfer in the amount of \$70,440 received by Borough prior to bidding or a Financial Surety Bond as provided in this Notice, if available.

BASIS OF AWARD: Net Interest Cost – Ascending Coupons Required.

OFFERING STATEMENT: Preliminary Official Statement available at www.GrantStreet.com.

NOTICE

NOTICE IS HEREBY GIVEN that bids will be received by the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") for the purchase of the Borough's \$3,522,000 aggregate principal amount of General Improvement Bonds, Series 2011 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety on Grant Street Group's MuniAuction website ("MuniAuction") prior to 11:45 a.m., prevailing New Jersey time on February 17, 2011, unless otherwise extended by the two-minute rule described herein (see "Bidding Details"). The auction will begin at 11:30 a.m., prevailing New Jersey time on February 17, 2011 (the "Bid Date"). To bid via MuniAuction, Bidders (as defined below) must have: (1) completed the registration form on either MuniAuction or Grant Street Group website (parent of MuniAuction, herein referred to as "Grant Street"), (2) requested and received admission to the Borough's auction, as described herein (see "Registration and Admission to Bid") and (3) submitted a good faith check, wire transfer or a Financial Surety Bond, payable to the Borough in the amount of \$70,440 prior to the Bid Date (see "Bidding Details" below). The use of MuniAuction shall be at the Bidder's risk and expense, and the Borough shall have no liability with respect thereto.**

Preliminary and Final Official Statement

The Borough's Preliminary Official Statement (the "POS") is available for viewing in electronic format on MuniAuction. The MuniAuction address is www.GrantStreet.com. In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company, New York, New York (the "DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to 11:45 a.m. (prevailing New Jersey time) on February 17, 2011, elect to receive a photocopy of the POS in the mail by requesting it on MuniAuction or by calling the Borough's bond counsel, Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095. Calls should be directed to Lisa A. Gorab, Esq. at 732.855.6459. In order to print a copy or request a photocopy of the POS from MuniAuction, click the "View POS" button on the MuniAuction Selections Page and follow the instructions. All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Borough to be final as of its date, for purposes of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, except for the omission of information concerning the offering

price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Final Official Statement") as may be necessary.

The Borough at its expense, will make available to the Winning Bidder (as defined herein) a reasonable number of Final Official Statements, within seven (7) business days following the date of acceptance of the Bid.

Types of Bids Allowed

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$3,522,000. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Borough, the Bidder will be required to purchase the entire issue in accordance with such Bid.

Insurance

If the Bonds qualify for the issuance of any policy of municipal bond insurance, the Bidder of the Bonds may, at its sole option and expense, purchase such insurance. The insurance premium, if any, will be paid by the Bidder. Any failure of the Bonds to be so insured shall not in any way relieve the Winning Bidder of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each February 1 and August 1 (each an "Interest Payment Date"), commencing August 1, 2011, in each year until maturity, by payment of money to DTC or its authorized nominee. DTC will credit payments of principal of and interest on the Bonds to the Participants of DTC as listed on the records of DTC as of each January 15 and July 15 preceding each Interest Payment Date for the Bonds (the "Record Dates").

Principal Amortization

The Bonds will consist of serial bonds maturing on February 1 in the years 2012 through 2031, inclusive, except as otherwise may be determined if the "Term Bond Option" is selected as set forth herein. The principal amounts of each serial maturity shall be as set forth below, subject to the applicable limitations set forth herein under "Term Bond Option."

The Bonds shall mature on February 1 as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2012	\$120,000	2022	\$175,000
2013	125,000	2023	180,000
2014	125,000	2024	190,000
2015	130,000	2025	200,000
2016	135,000	2026	210,000
2017	140,000	2027	220,000
2018	145,000	2028	235,000
2019	150,000	2029	235,000
2020	160,000	2030	240,000
2021	170,000	2031	237,000

Book-Entry Only

The Bonds will be issued in book-entry only form, and each certificate will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. The Bonds will be issued in the form of one certificate for the aggregate principal amount of the Bonds maturing in each year and will be payable as to both principal and interest in lawful money of the United States of America. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of the individual purchasers. The Winning Bidder will not receive certificates representing their interests in the Bonds. Individual purchases may be made in the principal amount of \$5,000 each or any integral multiple thereof, with minimum purchases of \$5,000 required, except that any amount of Bonds maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be

in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its participants. Payments of principal, interest and redemption premium, if any, will be made by the paying agent to DTC for subsequent disbursement to Participants to then be remitted to the Beneficial Owners of the Bonds. It shall be the obligation of the Winning Bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Redemption Provisions

The Bonds of this issue maturing prior to February 1, 2021 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after February 1, 2021 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after February 1, 2020, upon notice as required herein at one hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. So long as The Depository Trust Company (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its Participants or any failure of any Participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be redeemed by the Borough in inverse order of maturity and within any maturity shall be selected by the Borough by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

Term Bond Option

Bidders may elect to structure the issue to include term bonds (the "Term Bond Option"), which term bonds, if selected by the Bidder, will be subject to mandatory redemption prior to maturity, in the years and amounts shown above as serial maturities, upon payment of one hundred percent (100%) of the principal amount of the Bonds to be redeemed, together with accrued interest to the date fixed for such mandatory redemption of such amounts. Bidders must designate the Bonds that are to be term bonds at the time of their bid. If the Bonds are awarded and no term bonds are designated in the Winning Bid (as defined herein), the Bonds will mature serially as shown in the preceding maturity schedule.

Registration and Admission to Bid

To bid by MuniAuction, Bidders must first visit MuniAuction where, if they have never registered with either MuniAuction or Grant Street, they can register and then request admission to bid on the Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only NASD registered broker-dealers or dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously registered with MuniAuction may call MuniAuction at 412.391.5555 (ext. 370 Auction Support) for their ID Number or password. Rules governing the sale and the rules applicable to MuniAuction are available in the full Notice of Sale at www.muniauction.com.

Bidding Details

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **THE BONDS ARE BEING SOLD ON THE BASIS OF THE MATURITY SCHEDULE SET FORTH ABOVE.**
- (2) **BIDDERS MUST SUBMIT EITHER A GOOD FAITH CHECK, WIRE TRANSFER OR A FINANCIAL SURETY BOND (IF AVAILABLE) IN THE AMOUNT OF \$70,440 PAYABLE TO THE BOROUGH PRIOR TO THE TIME FOR SUBMISSION OF BIDS AT THE FOLLOWING ADDRESS:**

**Wilentz, Goldman & Spitzer, P.A.
90 Woodbridge Center Drive**

Woodbridge, New Jersey 07095
Attn: Lisa A. Gorab, Esq.

BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE BOROUGH.

- (3) All Bids must be submitted on the MuniAuction website at www.GrantStreet.com. **No telephone, telefax, telegraph or personal delivery Bids will be accepted.**
- (4) All Bids for the Bonds must be submitted on an AON basis.
- (5) No Bid shall be considered that offers to pay an amount less than the total principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest Net Interest Cost to the Borough under any legally acceptable Bid.
- (6) Bidders must specify a rate of interest for each maturity of the Bonds which rate of interest must be expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity and not more than one rate of interest may be named for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be named.
- (7) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (8) If any Bid on the auction becomes a leading Bid two (2) minutes, or less, prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such Bid was received by MuniAuction. The auction end time will continue to be extended, indefinitely, until a single leading Bid remains the leading Bid for at least two (2) minutes.
- (9) Bidders may change and submit Bids as many times as they like during the bidding time period; provided however, each and any Bid submitted subsequent to a Bidder's initial Bid must result in a lower Net Interest Cost (as defined herein and referred to as "NIC") when compared to the immediately preceding Bid of such Bidder. In the event that the revised Bid does not produce a lower NIC, the prior Bid will remain valid.
- (10) The last Bid submitted by a Bidder before the end of the bidding time period will be compared to all other final Bids submitted by others to determine the Winning Bidder or Bidders.
- (11) During the bidding, no Bidder will see any other Bidder's Bid, but Bidders will be able to see the ranking of their Bid relative to other Bids (i.e., "Leader", "Cover", "3rd", etc.).
- (12) The Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours prior to the date of delivery of the Bonds a certificate satisfactory to Bond Counsel to the Borough to the effect that: (i) each maturity of the Bonds has been the subject of a bona fide initial offering to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price set forth in such certificate; (ii) ten percent (10%) or more in par amount of the Bonds of each maturity were sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price for such maturity set forth in such certificate; and (iii) at the time the Winning Bidder submitted its bid to the Borough, based upon then prevailing market conditions, the Winning Bidder had no reason to believe that any maturity of the Bonds would be sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price greater than the initial public offering price for that maturity, or that the fair market of any maturity of the Bonds would be in excess of the initial public offering price for that maturity. Such certificate shall state that it is made to the best knowledge, information and belief of the Winning Bidder.
- (13) Additionally, the Winning Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours of the Bid Date the public offering prices and reoffering yields for each maturity of each series of Bonds.

Rules of MuniAuction

The rules of MuniAuction (the "Rules") can be viewed on MuniAuction and are incorporated herein by reference. Bidders must comply with the Rules in addition to the requirements of this Notice of Sale for the Borough's Bonds dated the date hereof (the "Notice of Sale"). To the extent there is a conflict between the Rules and this Notice of Sale, this Notice of Sale shall control.

Rules

- (1) A Bidder submitting a Winning Bid is irrevocably obligated to purchase the Bonds at the rates and prices of the Winning Bid, if acceptable to the Borough, as set forth in this Notice of Sale. **Winning Bids are not officially awarded to the Bidder until formally accepted by the Borough.**
- (2) Neither the Borough, the Bond Counsel nor MuniAuction (the "Auction Administrator") is responsible for technical difficulties that result in loss of Bidder's internet connection with MuniAuction, slowness in transmission of Bids, or other technical problems.
- (3) If for any reason a Bidder is disconnected from MuniAuction's Auction Page during the auction after having submitted a Winning Bid, such Bid is valid and binding upon the Bidder, unless the Borough exercises its right to reject Bids, as set forth herein.
- (4) Bids which generate error messages are not accepted until the error is corrected and the Bid is received prior to the deadline.
- (5) Bidders accept and agree to abide by all terms and conditions specified in this Notice of Sale (including amendments, if any) related to each auction.
- (6) Neither the Borough, the Bond Counsel nor the Auction Administrator is responsible to any Bidder for any defect or inaccuracy in this Notice of Sale, amendments, or POS as they appear on MuniAuction.
- (7) Only Bidders who requested and received admission to an auction and who have submitted a good faith check, wire transfer or a surety bond (if available) as required by the terms of this Notice of Sale may submit Bids. The Bond Counsel and the Auction Administrator reserve the right to deny access to MuniAuction to any Bidder, whether registered or not, at any time and for any reason whatsoever, in their sole and absolute discretion.
- (8) Neither the Borough, the Bond Counsel nor the Auction Administrator is responsible for protecting the confidentiality of a Bidder's MuniAuction password.
- (9) If two (2) Bids are submitted in the auction by the same or two or more different Bidders and result in same NIC, the first confirmed Bid received by MuniAuction prevails. Any change to a submitted Bid constitutes a new Bid, regardless of whether there is a corresponding change in NIC.
- (10) Bidders must compare their final Bids to those shown on the Observation Pages immediately after the bidding time period ends, and if they disagree with the final results shown on the Observation Pages they must report them to MuniAuction within fifteen (15) minutes after the bidding time period ends. Regardless of the final results reported by MuniAuction, bonds are definitively awarded to Winning Bidders only upon official award by the Borough. If, for any reason, the Borough fails to: (i) award bonds to the Winning Bidder reported by MuniAuction, or (ii) deliver bonds to the Winning Bidder at settlement, neither the Bond Counsel nor the Auction Administrator will be liable for damages.

Definitions

- "Bid" any confirmed purchase offer received by MuniAuction on or before the auction deadline.
- "Bidder" any firm registered with either MuniAuction or Grant Street and approved for participation in auctions.
- "Winning Bid" any purchase offer made by a Bidder by clicking the "Submit Bid" button and received by MuniAuction which, at the end of the bidding time period, results in the lowest NIC which is acceptable to the Borough.

“Net Interest Cost” computed by adding to the total principal amount of bonds bid for, the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of premium, if any. The Net Interest Cost serves as the basis for awarding bonds to Winning Bidders.

Bid Procedure and Basis of Award

Subject to the right reserved by the Borough to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest NIC for the Borough and otherwise complies with this Notice of Sale.

Bids must remain valid until at least 2:00 p.m., prevailing New Jersey time, on the date of the sale, and if accepted by the Borough, prior to such time, shall be irrevocable except as otherwise provided in this Notice of Sale. Upon selection of the Winning Bidder, the Borough will execute an award certificate to award the Bonds and will promptly communicate with the Winning Bidder by telephone, e-mail or fax.

Bid Security and Method of Payment for Bonds

A Good Faith Deposit (“Deposit”) in the form of a certified or cashier’s or treasurer’s check, wire transfer or a Financial Surety Bond, if available, in the amount of \$70,440, payable to the order of the Borough, is required for each Bid to be considered. Wire instructions can be obtained by contacting Lisa A. Gorab, Bond Counsel at 732.855.6459 and such wire must be received and confirmed by the Borough prior to the time for bids to be submitted. If a check is used, it must be a certified or cashier’s or treasurer’s check and must be provided to the Borough prior to the time for Bids to be submitted. Each Bidder accepts responsibility for delivering such check on time and the Borough is not responsible for any check that is not received on time. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”) and such bond must be submitted to the Borough prior to the opening of the Bids at the address referred to above. At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the Bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the Bid. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a Bidder utilizing a Financial Surety Bond, then that Winning Bidder is required to submit its Deposit to the Borough by wire transfer as instructed by the Borough not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the Winning Bidder fails to honor its accepted Bid or fails (other than for reasons permitted under this Notice) to accept delivery of and pay for the Bonds on the closing date, the Deposit shall be retained by the Borough as and for full liquidated damages to secure the Borough from any loss resulting from such failure by the Winning Bidder. Award of the Bonds to the Winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the Bids, but such Winning Bidder may not withdraw its proposal until after 2:00 p.m. of the day for receipt of such Bids and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Borough on or about February 24, 2011.

Right to Reject Bids; Waive Irregularities

The Borough reserves the right to reject any and all Bids and to the extent permitted by law to waive any irregularity or informality in any Bid.

Delivery of the Bonds

The Bonds will be delivered on or about February 24, 2011 (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON MUNIAUCTION NOT LATER THAN 2 HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) in New York Borough at DTC against payment of the purchase price therefor (less the amount of the good faith deposit). PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE BY WIRE TRANSFER OF IMMEDIATELY AVAILABLE FUNDS.

There will also be furnished the usual closing papers, including (1) a certificate, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery of the Bonds, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of

the Bonds, (2) certificates in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and compliance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") necessary to preserve tax exemption, (3) a certificate signed by the Borough relating to the Official Statement, and (4) a Continuing Disclosure Certificate evidencing compliance with the Rule (as defined herein) and the undertaking of the Borough with respect thereto.

CUSIP Identification Numbers

CUSIP Identification Numbers will be applied for with respect to the Bonds. Obtaining such CUSIP Identification Numbers and the CUSIP Service Bureau charge for the assignment of the numbers shall be the responsibility of and shall be paid for by the Winning Bidder of the Bonds. The Borough will assume no obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the Winning Bidder thereof to accept delivery of and make payment for the Bonds.

Legal Opinion

The approving opinion of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Borough, will be furnished without cost to the Winning Bidder, such opinion to be substantially in the form set forth in the Official Statement (as defined herein) distributed in preliminary form in connection with the sale of the Bonds, to the effect that the Bonds are valid and legally binding obligations of the Borough, that all the taxable property therein will be subject to the levy of *ad valorem* taxes to pay the Bonds and the interest thereon without limitation as to rate or amount and that interest on the Bonds is not includable as gross income under current law if the Borough complies with all conditions subsequent contained in the Code, except to the extent that interest on the Bonds held by a corporate taxpayer is included in the income computation for calculation of the corporate alternative minimum tax, and that interest on the Bonds and any gain on the sale thereof is not includable as gross income under the existing New Jersey Gross Income Tax Act.

Postponement

The Borough reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED ON MuniAuction, BEFORE 11:30 A.M. ON THE DAY OF THE SALE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via MuniAuction at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of this Notice of

Sale, except for the date of sale and except for the changes announced on MuniAuction at the time the sale date and time are announced.

Termination

The Winning Bidder at its option may refuse to accept the Bonds if prior to their delivery any change in any income tax law of the United States of America, shall provide that the interest thereon is includable or shall be includable in gross income at a future date for Federal income tax purposes. In such case, the deposit made by such Winning Bidder shall be returned and such bidder will be relieved of its contractual obligations arising from the acceptance of its Winning Bid.

Clarification of Notice of Sale Terms

The Borough may, in its sole discretion and prior to the electronic receipt of proposals, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via MuniAuction, by publishing the clarification on MuniAuction, or any other available means, no later than 3:00 p.m. (prevailing New Jersey time) on the last business day prior to the Bid Date.

Additional Information

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Borough. This Notice of Sale and the POS may be viewed on MuniAuction. However, the Borough makes no assurance or representation with respect to the form of this Notice of Sale and the POS on MuniAuction, and no investment decision should be made in reliance thereon. Printed copies of the POS and this Notice of Sale may be obtained from the Bond Counsel at the address and phone

authorizing bonds to finance part of the costs of certain capital improvements throughout the Borough to be borne by the Borough at large; and

WHEREAS, it is necessary to issue bonds pursuant to said bond ordinances in an aggregate principal amount of \$3,522,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of issuing and marketing of said bonds, to combine the bonds authorized under said bond ordinances into one consolidated issue in an aggregate principal amount of \$3,522,000, pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law");

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds (the "Bonds") in an aggregate principal amount of \$3,522,000.

Section 2. The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2007-10	Improvements to the Municipal Building, finally adopted 10/17/07	\$2,857,000	20 years
2010-05	Improvement to roads, finally adopted 4/21/10	\$665,000	20 years
TOTAL		\$3,522,000	

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 20 years.

(b) The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2011" and shall mature within the average period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,522,000 IN PRINCIPAL AMOUNT

WHEREAS, the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), has heretofore adopted bond ordinances authorizing bonds to finance part of the costs of certain capital improvements throughout the Borough to be borne by the Borough at large; and

WHEREAS, it is necessary to issue bonds pursuant to said bond ordinances in an aggregate principal amount of \$3,522,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of issuing and marketing of said bonds, to combine the bonds authorized under said bond ordinances into one consolidated issue in an aggregate principal amount of \$3,522,000, pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law");

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds (the "Bonds") in an aggregate principal amount of \$3,522,000.

Section 2. The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2007-10	Improvements to the Municipal Building, finally adopted 10/17/07	\$2,857,000	20 years
2010-05	Improvement to roads, finally adopted 4/21/10	\$665,000	20 years
TOTAL		\$3,522,000	

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 20 years.

(b) The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2011" and shall mature within the average period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

CERTIFICATION

I, KAREN M. ROMANO, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,522,000 IN PRINCIPAL AMOUNT", is a copy of a resolution which was duly adopted by the Borough Council at a meeting duly called and held on January 19, 2011 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ____ day of January, 2011.

(SEAL)

KAREN M. ROMANO, RMC
Clerk of the Borough of Lebanon

CERTIFICATION

I, KAREN M. ROMANO, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,522,000 IN PRINCIPAL AMOUNT", is a copy of a resolution which was duly adopted by the Borough Council at a meeting duly called and held on January 19, 2011 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum

was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ___ day of January, 2011.

(SEAL)

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

Introduced and adopted:

LEBANON BOROUGH COUNCIL

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

Sam Berger, Council President

ATTEST:

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 37-2011:

Council President Berger made a motion to approve Resolution 37-2011 with a second by Councilman Knoble.

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

RESOLUTION NO. 37-2011

CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough of Lebanon has a need for Animal Control Services in lieu of an Animal Control Officer;

WHEREAS, Animal Control Solutions has provided such services in previous years and has proposed a Contract renewal at the same annual contract fee of \$150.00 per animal for the calendar year 2011; and

WHEREAS, the governing body has determined that Animal Control Solutions has the necessary personnel and expertise to provide such services; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon that the Contract for Animal Control Services for calendar year 2010 with Animal Control Solutions in the amount of \$150.00 per animal (Attached hereto) is hereby approved and authorized to be executed by the Mayor and Clerk of the Borough.

Introduced and adopted: January 19, 2011

Ayes:5

Nays: 0

Absent:1

ATTEST:

Karen M. Romano, RMC
Borough Clerk

LEBANON BOROUGH COUNCIL

Sam Berger, 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 19th day of January, 2011; 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: January 19, 2011

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 38-2011:

Council President Berger made a motion to approve Resolution 39-2011 with a second by Councilman Knoble.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON**

STATE OF NEW JERSEY

RESOLUTION #38-2011

WHEREAS, the Borough of Lebanon would like to provide Tree Trimming and removal services to the Borough for 2011, and

WHEREAS, the Borough solicited 7 quotes, and received 3 quotes for this service; and

WHEREAS, Tamkee Tree Service has submitted the lowest quote of \$2685.00 for crew and equipment for such services.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that a Tree Trimming and Removal contract for 2011, be awarded to Tamke Tree Experts in the amount of \$2685.00 per hour.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said contract, after review and approval by Borough Attorney Joseph Novak, and upon submittal of a Certificate of Insurance, and all documents required for the contract.

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1

Sam Berger,
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 Council at a meeting duly held on January 19, 2011 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: January 19, 2011

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

Mayor Reino Request a motion to appoint the 2011 Council Committees at stated:

Council Committee Matrix	2011 Structure - 1/10/2011					
Committee	Council Members					
	<i>Berger</i>	<i>Knoble</i>	<i>Burton</i>	<i>Coyle</i>	<i>Schmidt</i>	<i>Pittinger</i>
Buildings and Grounds					Member	Chair
School Board Liaison				Chair	Member	
Finance	Chair		Member			

Planning Board	Member					
Utilities, Solid Waste and Recycling		Chair	Member			
Streets and Roads		Member	Chair			
Public Safety	Member			Member		Chair
Personnel		Member	Chair			
Communication				Member	Chair	
Municipal Court	Chair					Member

The motion was passed by the following vote:

Councilman Burton made a motion to approve the Council Committees. With a second by Councilman Knoble.

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

OPEN PUBLIC SESSION #2:

Mayor 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 Mayor 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 Reino requested a motion to enter into executive session.

RESOLUTION # 36-2011:

Councilwoman Schmidt made a motion to approve Resolution 36-2011 with a second by Councilman Knoble.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION # 36-2011

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: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger, 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 January 19, 2011.

Karen Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

Mayor Reino requested a motion to come out of executive session and re-enter the regular meeting of January 19, 2011.

Council President Berger made a motion to exit executive session and re-enter the January 19, 2011 meeting. With a second by Councilman Knoble.

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION # 39-2011:

Councilwoman Schmidt made a motion to approve Resolution 39-2011 with a second by Councilman Knoble.

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

RESOLUTION NO. 39-2011

Strunk-Albert Engineering

WHEREAS, the governing body has concluded 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 need has arisen during construction necessitated because of a desire by the Council to upgrade specific 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 close out process; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the Municipal Building upgrade project that the Buildings & Grounds Committee recommends engagement of Strunk-Albert Engineering to perform specific HVAC review and associated services for a sum not-to-exceed \$8,750.00 in fees and undetermined reimbursable expenses as outlined in their proposal dated January 17, 2011 has been approved.

Introduced and adopted:

LEBANON BOROUGH COUNCIL

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

Council President, Sam Berger

ATTEST:

Karen M. Romano, RMC
Lebanon 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 January 19, 2011, 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: January 19, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Council President Berger, Councilman Knoble, Councilman Burton, Councilwoman Schmidt, and Councilman Coyle

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

MISCELLANEOUS:

Mayor Reino stated he would be moving forward with the Louis Bay II Scholarship again this year.
Councilman Berger discussed tentative Budget work session dates for February 10th.

Council President Berger moved and Councilman Burton seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 10:40 PM by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Clerk