



**LEBANON BOROUGH COMMON COUNCIL
MINUTES
July 20, 2011
7:30 PM**

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, Councilwoman Schmidt, Councilman Pittinger and Councilman Coyle

Absent: Councilman Knoble

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

MOMENT OF SILENCE:

Mayor Reino stated a total of 7366 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 108. 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:

MEMORANDUM

DATE: July 20, 2011

TO: BOROUGH OF LEBANON
ATT: BOROUGH COUNCIL
FROM: DAVID G. TILLOU
RE: UPGRADES TO LEBANON BOROUGH HALL
CC:

Council,

Just to bring you up to speed, we have completed the following from the “wish list” assembled last March;

- Security – completed by APS for \$5,665.00
- Dais & furniture – completed by Cooper furniture for \$3,848.00
- Landscape – Completed by Central Jersey Nurseries for \$9,290.00
- Toilet room upgrades – 95% completed by Rampart for \$29,400.00. They are waiting for a “left handed” toilet. Their distributor has sent two right handed toilets several times.
- Basement repairs – completed by Foran & Associates for \$8,637.00
- Fencing along property line – completed by York Fence for \$5,150.00
- Accessible door operators – completed by Eastern Door for \$5,804.00
- New entrance doors – completed by James Doorcheck for \$23,811.00
- Sign at 96 main – purchase order issued to A Plus Signs for \$16,835.00 and a purchase order was issued to Foran & Associates for the footings and piers for \$6,376.00
- Repairs at 96 Main – after discussions with Karen over the past few weeks, we came up with the following scope of work for review and approval;
 - Remove and replace the existing soffits and fascias with vinyl
 - Remove and replace the existing aluminum gutters and leaders
 - Remove and replace the roof
 - Remove and replace all of the entrance doors
 - Recondition the railings, and paint them
 - Remove and replace the front steps
 - Remove the bushes adjacent to the front door
 - Remove and replace all windows that aren't 1” “thermopane” windows
 - Remove and replace the 1st floor carpeting with VCT (including the emergency management area)
 - Remove and replace the 2nd floor carpeting with new carpet
 - Gut the 2nd floor bathroom, replace all ceramic tile and plumbing fixtures. Remove the tub and replace with a shower stall
 - Repair the existing window sills
 - Paint the interior of the entire building.
- Commissioning – we had a meeting with meeting with Strunk-Albert and ATC (the control subcontractor for TM Brennan). We wrote some issues that are in a memo attached to this memo.

RESOLUTION # 98-2011:

Councilwoman Schmidt made a motion to approve Resolution 98-2011 the Consent Agenda with a seconded by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 98-2011
CONSENT AGENDA**

July 20, 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. Finance Report for April, May and June 2011
2. NHMC May 2011 Disbursement
3. Lebanon Fire Company report
4. Lebanon Volunteer Fire Company Audit
5. Clinton First Aid And Rescue Squad Audit
6. Highlands Conformance Next Steps, Grant reimbursement and Ordinance Adoption.
7. 2011 Property Tax Bills and Statements of Stare Aid
8. Carla Conner Resignation

Introduced and adopted: July 20, 2011

Ayes: 5
Nays: 0
Absent: 1

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 July 20, 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: July 20, 2011

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

APPROVAL OF MINUTES:

Councilman Coyle made a motion to accept the Regular Meeting and Executive Minutes of June 15, 2011. With a second by Councilwoman Schmidt.

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

APPROVAL OF EXPENDITURES:

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

Report Printed 2011-07-20 11:23:18 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
Current Fund			
494 - ALBERT HARLFINGER	PO 4092 REFUND OF 2009 & 2010 TAX	3,922.49	3,922.49
320 - APGAR POWER SWEEPING CORP	PO 4068 STREET SWEEPING FOR PARADE, INV 177	600.00	600.00
221 - ASSOCIATED MAILING	PO 4069 SUMMER 2011 NEWSLETTER PRINTING, I	697.65	697.65
202 - CENTURYLINK	PO 4072 TELEPHONE SVC FOR JUNE 2011 SVC, A	225.66	225.66
142 - CLINTON FIRST AID & RESCUE SQUAD	PO 4074 2011 FIRST AID SUPPORT	8,000.00	8,000.00
254 - CLOVER HILL LANDSCAPING LLC	PO 3999 LAWN SVC FOR 2011 SEASON, 4 OF 8	1,430.35	1,430.35
247 - COMCAST	PO 4059 TELEPHONE SVC FOR JUNE 2011, ACCT 2	278.98	278.98
38 - COUNTY OF HUNTERDON	PO 4035 UNLEADED GASOLINE/DIESEL FUEL FOR M	834.64	834.64
132 - COUNTY OF HUNTERDON	PO 4058 ENVELOPE AND ADDRESS PRINTING, INV	105.90	105.90
13 - COUNTY OF HUNTERDON - COUNTY TAX	PO 4075 3RD QTR COUNTY TAX	238,221.90	238,221.90
14 - COUNTY OF HUNTERDON - LIBRARY TAX	PO 4076 3RD QTR LIBRARY TAX	20,044.76	20,044.76

15	- COUNTY OF HUNTERDON- OPEN SPACE TAX	PO 4077	3RD QTR OPEN SPACE TAX	24,827.74	24,827.74
152	- NEW JERSEY PRESS MEDIA	PO 4044	LEGAL ADS -AFFIDAVIT CHARGE, ACCT 2	109.80	109.80
486	- D & E FILTRATION, LLC	PO 4040	FILTERS, INV 053111DEI	208.91	208.91
345	- DATA VENTURES I LLC (DVI)	PO 4070	REDEMPTION OF TAX SALE CERTIFICATE,	1,175.54	1,175.54
345	- DATA VENTURES I LLC (DVI)	PO 4071	REDEMPTION OF TAX SALE CERTIFICATE	14,558.98	14,558.98
411	- DAUBS GARDEN GIFTS & NURSERY	PO 4052	BRUSH CHIPPING	7,375.00	7,375.00
111	- ELIZABETH C MCKENZIE	PO 4079	PROF SERVICES FOR JUNE 2011, INV 58	2,187.50	2,187.50
39	- ELIZABETHTOWN GAS	PO 4078	NATURAL GAS SVC, ACCT 6822385611	254.88	254.88
485	- GOVERNMENT TRAINING INC.	PO 4033	GRANT WRITERS HANDBOOK	108.50	108.50
489	- HARMONY SAND & GRAVEL, INC	PO 4061	CRUSHED STONE FOR PARK, INV 96424/8	1,060.94	1,060.94
12	- HK BUZZBY & SONS	PO 4064	MISC SUPPLIES, INV 306127/CM306128	326.94	326.94
153	- HOME DEPOT CREDIT SVCS	PO 4082	HOSES, ACCT 9730	203.73	203.73
492	- HOME SOLUTIONS	PO 4083	PARKING LOT JOB AT THE PARK, INV 1	1,500.00	1,500.00
83	- HORIZON BLUE CROSS BLUE SHIELD NJ	PO 3784	DENTAL INSURANCE FOR AUGUST 2011 A	245.81	245.81
215	- HUNTERDON COUNTY CLERKS OFFICE	PO 4062	ELECTION EXPENSES FOR 6/7/2011	776.80	776.80
54	- NJN PUBLISHING	PO 4039	RECORDING BIDS, ACCT L901188	616.44	616.44
16	- JCP&L	PO 4042	ELECTRIC SVC FOR MAY/JUNE JUNE/JUL	1,718.23	1,718.23
16	- JCP&L	PO 4098	ELECTRIC SVC FOR MAY/JUNE 2011, ACC	3,618.53	3,618.53
16	- JCP&L	PO 4099	ELECTRIC SVCS FOR ACCT140575/143512	248.00	248.00
16	- JCP&L	PO 4100	SVCS FOR ACCT 100063647000/1000636	6.50	6.50
264	- JOSEPH S. NOVAK	PO 3774	MONTHLY LEGAL SERVICES JULY 2011	3,000.00	3,000.00
167	- KAREN ROMANO	PO 4084	TO REIMBURSE FOR EXPENSES	252.63	252.63
59	- LEBANON BOROUGH BOARD OF EDUCATION	PO 3968	AUGUST 2011 LOCAL SCHOOL TAX	222,411.70	222,411.70
323	- LISA SELLA	PO 4094	EYEWEAR REIMBURSEMENT	332.06	332.06
213	- Lebanon Boro General Store	PO 4041	LUNCH FOR POLL WORKERS	48.31	48.31
493	- MICHAEL I. SCHNECK, TRUSTEE	PO 4086	TAX COURT JUDGEMENT - REFUND OF TAX	1,849.20	1,849.20
493	- MICHAEL I. SCHNECK, TRUSTEE	PO 4087	TAX JUDGEMENT FOR 2009/ 2010 TAXES	4,531.34	4,531.34
253	- NEW JERSEY STATE POLICE	PO 4038	STATE POLICE SERVICES FOR MAY 2011,	4,565.68	4,565.68
47	- NJ ECONOMIC DEVELOPMENT AUTHORITY	PO 4048	LOAN L01307 PAYMENT OF INTEREST A	7,668.75	7,668.75
35	- NORTH HUNTERDON MUNICIPAL COURT	PO 3703	AUGUST 2011 MUNICIPAL COURT RENT	674.22	674.22
137	- ORIENTAL TRADING CO. INC	PO 4060	SUPPLIES FOR SUMMER REC PROGRAM, IN	208.94	208.94
37	- PITNEY BOWES - RESERVE ACCOUNT	PO 4053	POSTAGE	200.00	200.00
68	- POLAND SPRING WATER CO	PO 4063	BOTTLED WATER/DRINKS, ACCT 04307586	67.67	67.67
28	- PREMIER DISPOSAL, INC	PO 3984	TRASH REMOVAL SVC FOR JUNE 2011, CO	4,832.96	4,832.96
20	- QUILL CORPORATION	PO 4034	OFFICE & BUDDLING SUPPLIES, ACCT C6	306.36	306.36
476	- R & L DATA CENTERS, INC.	PO 4085	PAYROLL SERVICE FOR JUNE 2011, ACCT	286.20	286.20
7	- SDG ALARMTRONICS	PO 4037	ALARM MONITORING CHG FOR 2ND QTR, C	93.00	93.00
303	- SHARP ELECTRONICS CORPORATION	PO 3794	COPIER LEASE FOR AUG 2011, CONTRAC	184.46	184.46
343	- SHRED-IT	PO 4096	COMMUNITY SHREDDING DAY 7-16-2011	571.20	571.20
78	- STRYKER	PO 4036	PLUMBING REPAIRS AT 6 HIGH ST INVOI	373.00	373.00
390	- TELE-DATA SOLUTIONS	PO 4045	ANNUAL CONTRACT BILLED MONTHLY, INV	90.00	90.00
43	- TOWN OF CLINTON	PO 4102	2nd QTR FIRE HYDRANT, 2011, ACCT 2	5,908.50	5,908.50
382	- TOWNSHIP OF TEWKSBURY	PO 4057	SECOND QUARTERLY PUBLIC WORKS SHARE	780.52	780.52
382	- TOWNSHIP OF TEWKSBURY	PO 4091	CRACK SEALING EDGERTON	7,760.00	7,760.00
116	- TREASURER, STATE OF NEW JERSEY	PO 4088	MARRIAGE LICNESE REPORT FOR APRIL/M	50.00	50.00
192	- WALMART BUSINESS	PO 4054	RECREATION SUPPLIES, ACCT 603220253	54.78	54.78
27	- WASTE MANAGEMENT OF NJ INC	PO 4089	SOLID WASTE DISPOSAL FOR JUNE 2011,	4,580.25	4,580.25

TRUST FUNDS

105	- ALLSEASONS FLOWERS & GIFTS	PO 4065	SENIOR GROUP FRUIT BASKET	50.00	50.00
466	- ANIMAL CONTROL SOLUTIONS	PO 4050	ANIMAL CONTROL SERVICES, INV 65	150.00	150.00
470	- CELEBRATION TRAVEL & TOURS	PO 4031	DEPOSIT FOR RIVER BELLE 6/29/2011	3,131.00	3,131.00
495	- FRANKLIN & INGRID COSMEN	PO 4093	REFUND OF TRIP TO POINT PLEASANT	142.00	142.00
285	- MARK & JULIA STOCKWELL	PO 4043	REFUND FOR DISCOUNT	25.00	25.00
410	- MARLAINA SAHARIC	PO 4029	SUMMER REC SUPPLIES	16.34	16.34
410	- MARLAINA SAHARIC	PO 4047	SUMMER REC SUPPLIES	48.23	48.23
400	- MARY ANN BADORE	PO 4030	TIP FOR RIVER BELLE TRIP 6-29-11	75.00	75.00
321	- NJ DEPT OF HEALTH & SENIOR SVCS	PO 4032	DOG LICENSE REPORT FOR APRIL/MAY 20	8.40	8.40
321	- NJ DEPT OF HEALTH & SENIOR SVCS	PO 4055	DOG LICENSE REPORT FOR JUNE 2011	6.00	6.00
433	- NJ SIGN STORE LLC	PO 4028	SIGN FOR THE PARK	970.00	970.00

GENERAL CAPITAL FUND

403	- AMERICAN PROTECTIVE SYSTEMS, INC	PO 4067	SECURITY SYSTEM AT 6 HIGH ST, CUST	25.00	25.00
447	- CENTRAL JERSEY NURSERIES	PO 3995	128 BLUE PRINCESS AND 10 BLUE PRINC	8,290.00	8,290.00
447	- CENTRAL JERSEY NURSERIES	PO 4073	ADDITIONAL LANDSCAPE WORK AT BORO H	1,000.00	1,000.00
328	- DESIGN ENTERPRISES, INC.	PO 4090	CONSTRUCTION MANAGEMENT SVCS FOR JU	2,665.00	2,665.00
46	- FERRIERO ENGINEERING	PO 4056	ENGINEERING SERVICE FOR ROAD PROJE	11,640.00	11,640.00
425	- FORAN & ASSOCIATES	PO 3885	BASEMENT REPAIR WORK,	4,318.50	4,318.50

TOTAL

639,733.30

Total to be paid from Fund 01 Current Fund 607,172.83
 Total to be paid from Fund 03 TRUST FUNDS 4,621.97
 Total to be paid from Fund 04 GENERAL CAPTITAL FUND 27,938.50
 =====
 639,733.30

Checks Previously Disbursed

99999	BOROUGH OF LEBANON-EMAIL SERVICE		MONTHLY EMAIL CHARGES	140.00	7/12/2011
99999	LEBANON BOROUGH PAYROLL		PAYROLL 7-15-2011	7,302.23	7/15/2011
99999	NJ STATE HEALTH BENEFITS PLAN		JUNE 2011	2,594.07	7/15/2011
99999	NJ STATE HEALTH BENEFITS PLAN		MAY 2011	2,594.07	6/14/2011
99999	LEBANON BOROUGH PAYROLL		PAYROLL 6-30-2011	12,594.00	6/30/2011
99999	LEBANON BOROUGH PAYROLL		PAYROLL 6-15-2011	6,446.87	6/15/2011
99999	BOROUGH OF LEBANON-EMAIL SERVICE		MONTHLY EMAIL CHARGES	140.00	6/29/2011
99999	BOROUGH OF LEBANON-EMAIL SERVICE		MONTHLY EMAIL CHARGES	140.00	5/27/2011
99999	LEBANON BOROUGH SENIOR CITIZENS		2011 DONATION FROM RECREATION	1,500.00	5/25/2011
99999	LEBANON BOROUGH SENIOR CITIZENS		BALANCE FROM 2010	155.70	5/25/2011
6501	RICHARD BURTON	PO# 4046	EMPLOYEE LUNCHEON 5-24-2011	157.18	6/24/2011
6500	Postmaster Flemington	PO# 4027	postage for recycling newsletter	210.08	6/15/2011

33,974.20

Total paid from Fund 01 Current Fund

33,974.20

33,974.20

Total for this Bills List: **673,707.50**

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

OPEN PUBLIC SESSION #1:

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

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

OPEN PUBLIC SESSION Ordinance 2011-05:

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.

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

ORDINANCE 2011-05:

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

ORDINANCE 2011-05

**AN ORDINANCE AUTHORIZING THE USE OF FUNDS FROM
NJ DOT 2011 MUNICIPAL AID PROGRAM
FOR CHERRY STREET IMPROVEMENTS**

WHEREAS, the Borough of Lebanon has received a grant from New Jersey Department of Transportation for Improvements to Cherry Street

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

SECTION I: The sum of \$160,000.00 from “NJ DOT 2011 MUNICIPAL AID PROGRAM FOR CHERRY STREET IMPROVEMENTS” is hereby appropriated for the purpose of Improvements to Cherry Street.

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

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Sam Berger, Council President

Vote after public hearing and upon final adoption:

Burton 1

Knoble 0

Schmidt 1

Coyle 1

Pittinger 1

Berger 1

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

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: _____

Returned to Borough Clerk with
statement attached on _____

Introduced: May 18, 2011

Adopted: July 20, 2011

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on May 18, 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 July 20, 2011 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Clerk

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

NOTICE OF FINAL PASSAGE

ORDINANCE 2011-05

NOTICE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 18th day of May 2011, and the same came up for final passage at a meeting of the said Borough Council on the 20th day of July 2011 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Clerk

**INTRODUCED: May 18, 2011
ADOPTED: July 20, 2011**

OPEN PUBLIC SESSION Ordinance 2011-06:

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.

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

ORDINANCE# 2011-06:

Council President Berger made a motion to adopt Ordinance #2011-06 with a second by Councilman Burton.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2011-06**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, 2008-05
“AN ORDINANCE TO FIX AND DETERMINE THE SALARY OR
COMPENSATION TO BE PAID TO CERTAIN OFFICERS
AND EMPLOYEES OF THE BOROUGH OF LEBANON,
IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY”.**

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

SECTION ONE: The salary range for the various officers of the Borough of Lebanon shall be as follows:

<u>DESCRIPTION</u>	<u>ANNUAL</u>
BOROUGH CLERK/PLANNING BOARD AND BOARD OF HEALTH SECRETARY/ ASSESSMENT SEARCH OFFICER.....	\$ 35,000.00 TO 70,000.00
DEPUTY CLERK/RECREATION SECRETARY SHADE TREE COMMITTEE SECRETARY, HISTORIC SECRETARY, SENIOR CITIZEN GROUP SECRETARY AND ENVIRONMENTAL SECRETARY	\$ 35,000.00 TO 45,000.00
CHIEF FINANCIAL OFFICER/TREASURER.....	\$ 10,000.00 TO 25,000.00
TAX COLLECTOR/TAX SEARCH OFFICER.....	\$ 10,000.00 TO 25,000.00
ASSISTANT TREASURER	\$ 13.00 TO 20.00/hr.

TAX ASSESSOR.....	\$ 7,000.00 TO 18,000.00
DOG/CAT LICENSOR	\$ 700.00 TO 1,000.00
REGISTRAR OF VITAL STATISTICS	\$ 700.00 TO 2,500.00
ZONING OFFICER	\$ 7,000.00 TO 20,000.00
MUNICIPAL PROSECUTOR	\$ 100.00 TO 10,000.00
PUBLIC DEFENDER	\$ 100.00 TO 4,000.00
HOUSING OFFICER (contract)	\$ 1,000.00 TO 4,000.00
PARK DIRECTOR (contract).....	\$ 1,000.00 TO 2,500.00
RECYCLING COORDINATOR	\$ 900.00 TO 3,000.00
ADULT SCHOOL CROSSING GUARDS	\$ 16.00 TO 30.00/hr.
ADULT SCHOOL CROSSING GUARDS SUPERVISOR...	\$ 20.00 TO 35.00/hr.
SPECIAL & PART TIME PATROL OFFICERS.....	\$ 10.00 TO 38.00/hr.
SUMMER PARK PROGRAM DIRECTOR (contract).....	\$ 500.00 TO 4,000.00
SUMMER PARK COUNSELORS	\$ 8.00 TO 15.00/hr.
HANDIMAN SERVICES	\$ 15.00 TO 40.00/hr.
CLERICAL TEMPORARY STAFF	\$ 8.00 TO 25.00/hr.
GENERAL LABORERS.....	\$ 12.00 TO 45.00/hr.
CUSTODIAL/CLEANING.....	\$ 75.00/partial to 150.00/full service
MILEAGE	Rate as determined by IRS per mile standards

SECTION TWO: All other provisions of the Ordinance shall remain unchanged and in full force and effect. This Ordinance shall take effect immediately after final adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Sam Berger, Council President

Vote after public hearing and upon final adoption:

Burton 1

Knoble 0

Schmidt 1

Coyle 1

Pittinger 1

Berger 1

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

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: _____

Returned to Borough Clerk with
statement attached on _____

Introduced: June 15, 2011

Adopted: July 20, 2011

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on June 15, 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 July 20, 2011 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Clerk

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

NOTICE OF FINAL PASSAGE

ORDINANCE 2011-06

NOTICE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 15th day of June 2011, and the same came up for final passage at a meeting of the said Borough Council on the 20th day of July 2011 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Clerk

INTRODUCED: June 15, 2011
ADOPTED: July 20, 2011

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

ORDINANCE# 2011-07:

Council President Berger made a motion to introduce Ordinance #2011-07 with a second by Councilman Burton.

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

ORDINANCE NO. 2011-07

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Section 1 Purpose

The Borough of Lebanon is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the “Planning Area” (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Lebanon establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality’s Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on November 12, 2009 and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2010-10, adopted on November 19, 2010. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the

development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Lebanon, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 7, 2009, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On November 19, 2010, the Highlands Council adopted Resolution No. 2010-10 approving the Borough of Lebanon's Petition for Plan Conformance. The approval was conditioned upon the Borough of Lebanon's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of the Borough of Lebanon, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

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

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

The Borough of Lebanon hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2010-10, adopted on November 19, 2010.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Lebanon may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2010-10, will not be binding upon the Borough of Lebanon. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

Section 6 Planning Grants and Technical Assistance

Upon application of the Borough of Lebanon, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Borough of Lebanon for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Borough of Lebanon retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Sam Berger, Council President

Vote after public hearing and upon final adoption:

Burton 1

Knoble 0

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

Schmidt 1
Coyle 1
Pittinger 1
Berger 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 _____

Introduced: July 20, 2011
Adopted:

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 20, 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 August 17, 2011 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:
YES: Council President Berger, Councilman Burton,
Councilwoman Schmidt, Councilman Pittinger and Councilman Coyle
NO: None
ABSTAIN: None
ABSENT: Councilman Knoble

RESOLUTION #99-2011:

Councilman Burton made a motion to adopt Resolution#99-2011 with a second by Councilwoman Schmidt.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #99-2011**

SALARIES YEAR 2011

BE IT RESOLVED, by the Lebanon Borough Common Council the following is a schedule of salaries and wages for the various positions in the Borough of Lebanon for the year 2011.

Borough Clerk/PB Sec/BOH Sec/Assess Search Officer (Romano)	\$ 57,765.00
Deputy Clerk/Recreation/Environmental Secretary (Sella)	\$38,565.00
Senior Club, Shade Tree Committee and Historical Committee Secretary	
Chief Financial Officer/Treasurer (Ciarlariello)	\$17,290.00
Tax Collector (Ciarlariello)	\$14,910.00
Asst. Treasurer (Demaris)	\$17.00/hr.
Tax Assessor (Schick)	\$15,000.00
Dog/Cat Licensing Agent (Sella)	\$645.00
Registrar of Vital Statistics (Romano)	\$750.00
Deputy Registrar of Vital Statistics (Sella)	\$750.00
Zoning Officer (Hauck)	\$11,235.00
Park Events Director - Contract (Romano)	\$1,225.00
Adult School Crossing Guard Supervisor	\$26.00/hr.
Adult School Crossing Guards	\$22.75/hr.
Special & Part Time Patrol Officers	\$ 10.00 to 38.00/hr.
Summer Park Program Director - Contract (Saharic)	\$2,900.00
Summer Park Counselors	\$ 8.00 to 15.00/hr.
Handyman Services	\$ 11.00 to 25.00/hr.
Clerical Temporary Staff	\$ 8.00 to 20.00/hr.
General Labor	\$ 12.00 to 25.00/hr
Custodial/Cleaning Service - Contract (Sella)	Full Service: \$150.00 Partial Service: \$75.00
Mileage	Rate as determined by IRS per mile standard

Introduced and adopted: July 20, 2011

Ayes: 5

Nays: 0

Absent: 1

Abstain: 0

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 Common Council at a meeting duly held on the 20th day of July, 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.

Dated: July 20, 2011

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #100-2011:

Councilman Burton made a motion to adopt Resolution#100-2011 with a second by Council President Berger.

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

**RESOLUTION #100-2011
Amendment to resolution# 85-2011**

WHEREAS, the Borough of Lebanon would like to provide Chip, Seal and Road repair services to Borough Residences for the Spring of 2011, and

WHEREAS, the Borough of Lebanon will utilize the share service agreement with the Township of Tewksbury;

WHEREAS, the Township of Tewksbury., has submitted the quote to Chip and Seal Maple Street, High Street, Locust Street and Lynwood Ave at \$16,000.00, Milling 3 inches and pave bad sections of High and Maple at \$3,100.00 Crack seal Edgerton @MCCOP price of \$8,000.00 providing a crew and equipment for such services.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that a Chip, Seal and road repair agreement for 2011, be awarded to the Township of Tewksbury in the amount not to exceed \$22,600.00. .

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said agreement, after review and approval by Borough Engineer Robert Brightly of Ferriero Engineering.

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 July 20, 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: July 20, 2011

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #101-2011:

Councilman Burton made a motion to adopt Resolution#101-2011 with a second by Council President Berger.

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

RESOLUTION #101-2011

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 redemption of a tax sale certificate.

BLOCK LOT	NAME/ADDRESS	Certificate #	AMOUNT
5	37 DVI LLC 3 Grove Farm Rd Pittstown, NJ 08867	2010-04	1,175.54
6	28 DVI LLC 3 Grove Farm Rd Pittstown, NJ 08867	2010-06	13,958.98 <u>600.00</u> 14,558.98

Introduced and adopted: July 20, 2011
Ayes: 5
Nays:
Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger, Borough Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on July 20, 2011.

Karen Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #102-2011:

Councilman Burton made a motion to adopt Resolution#102-2011 with a second by Council President Berger.

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

RESOLUTION #102-2011

BE IT RESOLVED, by the Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey, the Treasurer is hereby authorized to make the following payment for the refund of taxes.

	<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	
			<u>Amount</u>		
13	801		Albert Harlfinger	2010	1605.40
			1 Howard Ct	2011	<u>2317.09</u>
			Lebanon NJ 08833	Total	3922.49

Introduced and adopted: July 20, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger,
Borough Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on July 20, 2011.

Karen Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #103-2011:

Councilman Burton made a motion to adopt Resolution#103-2011 with a second by Council President Berger.

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

RESOLUTION # 103-2011

Resolution extending the grace period for third quarter taxes.

WHEREAS, NJSA 54:4-67 provides that tax bills be allowed a minimum grace period of twenty-five days when tax bills are mailed late; and

WHEREAS, the Hunterdon County Board of Taxation certified the tax rate on July 21, 2011 and the tax bills to be mailed on or about July 29, 2011.

NOW, THEREFORE, BE IT RESOLVED , the grace period for the third quarter will be extended until August 31, 2011

Introduced and adopted: July 20, 2011

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Sam Berger,
Borough 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 20th day of July 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: July 20, 2011

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #104-2011:

Councilman Burton made a motion to adopt Resolution#104-2011 with a second by Council President Berger.

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

RESOLUTION #104-2011

Cherry Street Road and Drainage Improvements

WHEREAS, the Borough of Lebanon has determined as part of its long term road program to provide drainage and roadway improvements to Cherry Street, and

WHEREAS, the Borough, solicited bids, and received 4 bids for this project; and

WHEREAS, Z Brothers Concrete Contractors, Inc. has submitted the lowest total bid of \$243,633.21 which includes a base bid of \$183,225.71 for the drainage and roadway improvements, plus two alternate bids for additional drainage improvements, \$28,205.00 for Alternate Bid 1 and \$32,202.50 for Alternate Bid 2, and

WHEREAS, sufficient funds have been appropriated to undertake the said project.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that a contract for 2011, be awarded to Z Brothers Concrete Contractors, Inc. in the amount of \$243,633.21 for the drainage and roadway improvements to Cherry Street.

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

Introduced and adopted: July 20, 2011

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 July 20, 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: July 20, 2011

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

RESOLUTION #105-2011:

Councilwoman Schmidt made a motion to adopt Resolution#105-2011 with a second by Council President Berger.

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

**RESOLUTION #105 - 2011
Recording and Sound System**

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

WHEREAS, a need has arisen during construction necessitated because of a Field Condition including which have been uncovered, practical considerations for modifications or inclusion of additional features to enhance the completed project, or emergent tasks which must be accomplished in a timely manner so as to complete this portion of the project; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the Municipal Building renovation project that the Buildings & Grounds Committee recommends engagement of **Gramco** under state contract to perform specific projection, sound system and associated services for a sum not-to-exceed \$ **15,000.00** 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

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

COMMITTEE/COMMISSIONS/BOARD UPDATES

Historical Committee Chairman Joe Hauck stated the committee was waiting for a picture hanging system.

Shade Tree Committee Chairman Joe Hauck stated the Business Stimulus Grant was submitted.

OPEN PUBLIC SESSION #2:

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

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

Mayor Reino requested a motion to enter into executive session.

RESOLUTION #106-2011:

Councilman Coyle made a motion to adopt Resolution#106-2011 with a second by Councilwoman Schmidt.

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

RESOLUTION #106 -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 filed in the Borough Clerk's Office and will be available to the public as provided for by Law.

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

Introduced and adopted:
Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

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 July 20, 2011.

Karen Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

**Mayor Reino requested a motion to re-enter the Regular Council meeting of July 20, 2011.
Councilwoman Schmidt made the motion to re-enter the meeting. With a seconded from
Councilman Burton.**

The motion passed by the following roll call vote:

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

ORDINANCE# 2011-08:

**Council President Berger made a motion to introduce Ordinance #2011-08 with a second by
Councilman Burton.**

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

ORDINANCE NO. 2011-08

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON
TO PROHIBIT THE UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC
BEVERAGES ON PRIVATE PROPERTY**

WHEREAS, the underage consumption of alcoholic beverages has been identified as a major problem in society; and can lead to serious, unsafe and unhealthy future life consequences, and

WHEREAS, N.J.S.A. 40:48-1.2 empowers local Municipalities to regulate by Ordinance, the underage consumption and possession of alcoholic beverages on private property; and

WHEREAS, the Hunterdon County Prosecutor has recommended that the Municipalities create such local Ordinances.

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

**UNDERAGE CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON
PRIVATE PROPERTY; EXCEPTIONS; PENALTIES**

Section 1 – DEFINITIONS.

For the purposes of this Article, the following words or terms shall mean:

“**Guardian**“ means a person who has qualified as a Guardian of the underage person pursuant to testamentary or Court appointment.

“**Relative**” means the underage person’s parent, grandparent, aunt or uncle, sibling or other person related by blood or affinity.

**Section 2 – UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC
BEVERAGES ON PRIVATE PROPERTY.**

It is unlawful for any person, under the legal age, who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

Section 2 – EXCEPTIONS.

- A. This Ordinance shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

- B. This Ordinance shall not prohibit the possession of alcoholic beverages by any such person while actually engaged in the performance of employment, who is licensed under Title 33 (Alcoholic Beverage Control Act), or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a County Vocational School or post-secondary Educational Institution. This Ordinance shall not be construed to preclude the imposition of a penalty under N.J.S. 33:1-81 (Misrepresenting age to induce sale or delivery to minor; disorderly person), or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at the present licensed for the sale of alcoholic beverages.

Section 3 – VIOLATIONS AND PENALTIES.

- A. A person found guilty of violating the terms of this Article, shall be punished by a fine of \$250.00 for a first offense, and \$350.00 for any subsequent offense. In addition to the fine authorized herein, the Court may suspend or postpone for six months, the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

- B. If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the division along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Court.

- C. The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing, Failure to receive a written

notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

- D. If the person convicted under such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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

Sam Berger, Council President

Vote after public hearing and upon final adoption:

Berger __1__

Burton __1__

Coyle __1__

Knoble __0__

Pittinger __1__

Schmidt __1__

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

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 July 20, 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 August 17, 2011 at 7:30 p.m. in the Municipal Building, located 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Knoble

ADJOURN:

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

Respectfully Submitted,

Karen M. Romano, RMC
Borough Clerk

LBCC

5-18-11

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