



**LEBANON BOROUGH COMMON COUNCIL
MINUTES
August 17, 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 Knoble and Councilman Coyle

Absent: Councilman Pittinger

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

MOMENT OF SILENCE:

Mayor Reino stated a total of 7450 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 110. 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.

RESOLUTION # 107-2011:

Councilwoman Schmidt made a motion to approve Resolution 107-2011 the Consent Agenda with a seconded by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 107-2011
CONSENT AGENDA**

August 17, 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. LBSA letter to residents
2. League of Municipalities Audit
3. County Administrator letter regarding Tax Extension
4. Tax Rate
5. 2009 Tonnage Grant check \$10,241.08
6. NJDOT Grants open
7. Letter from the Governor
8. Lebanon Borough Fire Company Reports June and July
9. Business Stimulus Fund Grant \$2875.00

Introduced and adopted: August 17, 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Borough of Lebanon Council at a meeting duly held on the August 17, 2011 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.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: August 17, 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 Knoble and Councilman Coyle**

NO: None

ABSTAIN: None
ABSENT: Councilman Pittinger

APPROVAL OF MINUTES:

Councilman Coyle made a motion to accept the Regular Meeting and Executive Minutes of July 20, 2011. With a second by Councilman Burton.

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

APPROVAL OF EXPENDITURES:

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

Report Printed 2011-08-17 13:56:59 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
Current Fund			
403 - AMERICAN PROTECTIVE SYSTEMS, INC	PO 4124 AUGUST SECURITY SERVICES 10492	197.20	197.20
221 - ASSOCIATED MAILING	PO 4120 MAILING OF 2011/2012 TAX BILLS	176.00	176.00
221 - ASSOCIATED MAILING	PO 4121 POSTAGE FOR 2011/2012 TAX BILLS	237.16	237.16
202 - CENTURYLINK	PO 4126 TELEPHONE SVC FOR JULY 2011 SVC, A	230.26	230.26
357 - CLARKE CATON HINTZ	PO 4111 PROF SVCS FOR JUNE 2011, PROJ 5226.	1,375.00	1,375.00
107 - CLINTON BUSINESS PRODUCTS, INC	PO 4122 OFFICE SUPPLIES	110.18	110.18
254 - CLOVER HILL LANDSCAPING LLC	PO 4000 LAWN SVC FOR 2011 SEASON,5 OF 8	1,430.35	1,430.35
247 - COMCAST	PO 4110 TELEPHONE SVC FOR JULY 2011, ACCT 2	279.08	279.08
132 - COUNTY OF HUNTERDON	PO 4095 PERSONNEL SERVICES FROM SHERIFFS OF	990.00	990.00
38 - COUNTY OF HUNTERDON	PO 4116 UNLEADED GASOLINE/DIESEL FUEL FOR J	1,954.25	1,954.25
46 - FERRIERO ENGINEERING	PO 4080 STORMWATER PLANNING, INV 46662	217.50	217.50
153 - HOME DEPOT CREDIT SVCS	PO 4107 HOSES, ACCT 9730	44.28	44.28
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 3785 DENTAL INSURANCE FOR SEPT 2011 ACC	245.81	245.81
54 - NJN PUBLISHING	PO 4127 LEGAL ADS FOR JULY 2011, ACCT L9011	271.44	271.44
16 - JCP&L	PO 4133 SVCS FOR ACCT 100063647000/1000636	6.50	6.50
16 - JCP&L	PO 4134 ELECTRIC SVC FOR JUL/AUG 2011, ACC	854.39	854.39
16 - JCP&L	PO 4135 ELECTRIC SVCS FOR ACCT140575/143512	273.92	273.92
16 - JCP&L	PO 4139 ELECTRIC SVC FOR July/August 2011	2,100.48	2,100.48
264 - JOSEPH S. NOVAK	PO 3775 MONTHLY LEGAL SERVICES AUGUST	3,000.00	3,000.00
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 3969 SEPT 2011 LOCAL SCHOOL TAX	328,707.70	328,707.70
23 - MOORE WALLACE NORTH AMERICA INC.	PO 4097 CERTIFIED COPY OF VITAL RECORD, CUS	125.00	125.00
497 - MURDOCH ENGINEERING	PO 4118 DESIGN WORK FOR THE SIGN	295.00	295.00
253 - NEW JERSEY STATE POLICE	PO 4112 STATE POLICE SERVICES FOR JUNE 2011	3,913.44	3,913.44
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 3992 SEPT 2011 REGIONAL SCHOOL TAX	271,022.28	271,022.28
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 3704 SEPTEMBER 2011 MUNICIPAL COURT REN	674.22	674.22
233 - PITNEY BOWES	PO 3958 POSTAGE MACHINE LEASE, ACCT 1596-02	75.00	75.00
68 - POLAND SPRING WATER CO	PO 4109 BOTTLED WATER/DRINKS, ACCT 04307586	68.66	68.66
28 - PREMIER DISPOSAL, INC	PO 3176 TRASH REMOVAL SVC FOR DEC 2010, CON	4,832.96	4,832.96
28 - PREMIER DISPOSAL, INC	PO 3985 TRASH REMOVAL SVC FOR JULY 2011, CO	4,832.96	4,832.96
28 - PREMIER DISPOSAL, INC	PO 4125 TONNAGE FROM STREET SWEEPING	732.03	732.03
20 - QULL CORPORATION	PO 4113 OFFICE & BUIDLING SUPPLIES, ACCT C6	127.09	
	PO 4123 CLEANING AND OFFICE SUPPLIES	121.90	248.99
476 - R & L DATA CENTERS, INC.	PO 4131 PAYROLL SERVICE FOR JULY 2011, ACCT	230.80	230.80
6 - RICHARD M. CONLEY, LLC	PO 4130 SPECIAL TAX COUNSEL SVC FORMAY, JUNE	941.41	941.41
303 - SHARP ELECTRONICS CORPORATION	PO 3795 COPIER LEASE FOR SEPT 2011, CONTRAC	184.46	184.46
291 - STORM WATER COMPLIANCE SOLUTIONS LL	PO 4119 2011 STORMWATER INSPECTION REPORT	3,255.00	3,255.00
78 - STRYKER	PO 4105 PLUMBING REPAIRS AT 6 HIGH ST INVOI	94.00	94.00
390 - TELE-DATA SOLUTIONS	PO 4104 ANNUAL CONTRACT BILLED MONTHLY, INV	90.00	90.00
363 - THE STAR LEDGER	PO 4115 LEGAL ADS, ACCT 1010710	216.44	216.44
43 - TOWN OF CLINTON	PO 4129 WATER BILL MAY/JUN/JULY 2011L, ACCT	136.09	136.09
192 - WALMART BUSINESS	PO 4114 GENERAL SUPPLIES, ACCT 603220253036	147.83	147.83
27 - WASTE MANAGEMENT OF NJ INC	PO 4128 SOLID WASTE DISPOSAL FOR JULY2011,	3,309.26	3,309.26
496 - WEB.COM	PO 4117 5 YEAR RENEWAL FOR DOMAIN NAME	99.75	99.75

TRUST FUNDS

498 - JOSEPHINE HOBBIE	PO 4137	SUPPLIES FOR SENIOR PICNIC 7-27-11	186.98	186.98
499 - KONA ICE	PO 4138	KONA ICE FOR SUMMER REC CAMPERS	100.00	100.00
410 - MARLAINA SAHARIC	PO 4103	HALLOWEEN IN JULY	63.80	63.80
410 - MARLAINA SAHARIC	PO 4136	SUMMER REC SUPPLIES	25.96	25.96
321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 4132	DOG LICENSE REPORT FOR JULY 2011	2.40	2.40
176 - SHOPRITE OF HUNTERDON COUNTY	PO 4108	SENIOR GROCERIES	44.53	44.53

GENERAL CAPITAL FUND

46 - FERRIERO ENGINEERING	PO 4106	ENGINEERING SERVICE FOR ROAD PROJE	6,091.88	6,091.88
481 - JAMES DOORCHECK, INC.	PO 3937	NEW DOORS SUPPLIED AND INSTALLED,	14,673.68	14,673.68

TOTAL 659,416.31

Total to be paid from Fund 01 Current Fund	638,227.08
Total to be paid from Fund 03 TRUST FUNDS	423.67
Total to be paid from Fund 04 GENERAL CAPITAL FUND	20,765.56
	659,416.31

Checks Previously Disbursed

99999	DEPOSITORY TRUST CO	INTEREST ON BONDS-FIRST PAYMENT	59,670.70	8/01/2011
99999	NJ STATE HEALTH BENEFITS PLAN	JULY HEALTH BENEFITS	2,594.07	8/15/2011
99999	LEBANON BOROUGH PAYROLL	PAYROLL 7/29/2011	13,591.01	7/29/2011
			75,855.78	

Total paid from Fund 01 Current Fund 75,855.78
75,855.78

Total for this Bills List: 735,272.09

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

OPEN PUBLIC SESSION #1:

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

Lex Saharic of 68 Main Street thanked the Council for the use of the Council Room for the Jr. Lions Coaches meeting. Lex requested the use of the council meeting room for Monday night films for the team. Council agreed.

Joe Hauck of Brunswick Ave requested the council consider bring the gas line down Brunswick Ave. **Lisa Saharic of Chestnut Place** added she would like it offer to the residents of Mrytle Ave also. Council stated they would look into it.

State Policeman SGT. Schutts state the opening of school went well. Councilwoman Schmidt requested the State Police also patrol Brunswick Ave during arrival and dismissal of school.

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

OPEN PUBLIC SESSION Ordinance 2011-07

Councilman Knoble 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 2011-07:

Council President Berger made a motion to adopt Ordinance 2011-07 with a seconded 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 1

Schmidt 1

Coyle 1

Pittinger 0

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: July 20, 2011
Adopted: August 17, 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, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Clerk

NOTICE OF FINAL PASSAGE

ORDINANCE 2011-07

ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN

CONFORMANCE FOR THE PLANNING AREA

NOTICE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of July 2011, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of August 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: July 20, 2011
ADOPTED: August 17, 2011

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

OPEN PUBLIC SESSION Ordinance 2011-08:

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

Lex Saharic of 68 Main Street asked the Council if it was necessary to pass this ordinance. He believed it interfered with parenting issue as well as privacy issues. He would like to see the decision put in the Lantern and make it clear the drinking age is 21 years old.

Lisa Saharic of Chestnut Place stated she felt that the ordinance lets the kids off the hook and they need to take responsibility for their actions.

Mary Logan of Cherry Street state she was concerned with both the same issues privacy and responsibility of the mirrors. She felt it was a slap on the wrist.

Sgt. Schults explained the proposed ordinance would benefit the mirror because there was not a C2 felony attached to it as the current state law has. The fines are still enough for the mirror to think twice. The Ordinance also gives the officer at the scene a choice of the charge.

Mayor Reino referred to Attorney Novak for further explanation. Attorney Novak gave a detail explanation of the Ordinance crediting Sgt. Schultz explanation. Mayor Reino agreed.

There being no further 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# 2011-08:

Councilman Knoble made a motion to adopt 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 (21 years of age), who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

Section 3 – 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 4 – 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 5 - 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 6 - EFFECTIVE DATE.

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

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, Clerk

Sam Berger, President

Vote after public hearing and upon final adoption:

Berger ____ 1

Burton ____ 1

Coyle ____ 1

Knoble ____ 1

Pittinger ____ 0

Schmidt ____ 1

Ordinance approved by the Governing Body and presented
to the Mayor on __August 17, 2011.

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: August 17, 2011

Returned to Borough Clerk with statement attached on _____, 2011

NOTICE

that the above ordinance was introduced at a regular meeting of the Borough Council of
TAKE NOTICE 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 7:00 p.m. in the Municipal Building, located 6 High Street, Lebanon,
New Jersey.

Karen M. Romano
Borough Clerk

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

NOTICE OF FINAL PASSAGE

ORDINANCE 2011-08

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON
TO PROHIBIT THE UNDERAGE POSSESSION OR CONSUMPTION**

NOTICE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of July 2011, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of August 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: July 20, 2011

ADOPTED: August 17, 2011

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION #108-2011:

Councilman Knoble made a motion to adopt Resolution#108-2011 with a second by Council President Berger.

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

RESOLUTION #108-2011

SUBSTITUTE CROSSING GUARDS APPOINTMENT

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

Theresa Grzankowski

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the Adult School Crossing Guards having been established and set forth in Ordinance #2007-06, the following salary is hereby granted to the employee for the year 2011-2012:

Adult School Crossing Guards \$ 22.75/hr.(NTX 5 hours per week)

Introduced and adopted: August 17, 2010 LEBANON BOROUGH COUNCIL

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

By: Sam Berger, 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 17th day of August 17; 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: August 17, 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 Knoble
and Councilman Coyle
NO: None
ABSTAIN: None
ABSENT: Councilman Pittinger

RESOLUTION #109-2011:

Councilman Burton made a motion to adopt Resolution#109-2011 with a second by Council President Berger.

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

**RESOLUTION #109-2011
Town Wide Yard Sale**

BE IT RESOLVED that the Borough of Lebanon Mayor and Council permit one-way traffic only on the following streets on September 24, 2011, from the hours of 8:00AM to 4:00 PM, or on the rain date, September 25, 2011 from 1:00 PM to 4:00 PM.

ONE WAY:

going South on Myrtle Avenue
going North on High Street
going South on Maple Street
and going East on Brunswick Avenue

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

Introduced and adopted: August 17, 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 Common Council at a meeting duly held on the 17th day of August, 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: August 17, 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 Knoble and Councilman Coyle**

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

COMMITTEE/COMMISSIONS/BOARD UPDATES

Beautification (Recreation Committee), Shade Tree Committee

and Environmental Commission Mary Logan gave her verbal resignation from the state committee and Commission. She said her new job would not permit her to continue as a volunteer. She would be continuing with the Economic and Development and also Grants.

OPEN PUBLIC SESSION #2:

Councilman Burton 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 Knoble seconded the motion with the unanimous approval of Council the floor was closed.

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

17

LBCC
4-20-11
21