



**LEBANON BOROUGH COMMON COUNCIL  
MINUTES  
FEBRUARY 15, 2012**

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, Councilman Pittinger and Councilman Junge

Absent: None

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

**MOMENT OF SILENCE:**

Mayor Reino stated a total of 7741 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 117. 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.

**STATE POLICE REPORT:**

2012 is off to a great start no problems to report.

**RESOLUTION # 34-2012:**

**Councilman Schmidt made a motion to approve Resolution 34-2012 the Consent Agenda with a second by Councilman Berger.**

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY**

**RESOLUTION # 34-2012  
CONSENT AGENDA**

**February 15, 2012**

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. Comcast Right A Way Fee
2. PILOT Program letter
3. HC Public Safety and Health
4. Rutgers Sustainable Raritan River Initiative
5. HC Surface Treatment Program
6. Election Law Enforcement Commission
7. Municipal Officers Dinner

Introduced and adopted: February 15, 2012

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Borough of Lebanon Council at a meeting duly held on the January 19, 2012 that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.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: February 15, 2012

\_\_\_\_\_  
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, Councilman Pittinger and Councilman Junge**

**NO: None**  
**ABSTAIN: None**  
**ABSENT: None**

**APPROVAL OF MINUTES:**

**Council President Berger made a motion to accept the Regular Meeting Minutes of January 19, 2011. With a second by Councilman Burton.**

The motion passed by the following roll call vote:

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

**NO: None**  
**ABSTAIN: None**  
**ABSENT: None**

**APPROVAL OF EXPENDITURES:**

**Council President Berger made a motion to approve the bill list for February 2012. Councilman Burton seconded the motion.**

Report Printed 2012-02-15 14:11:25 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
<b>Current Fund</b>			
494 - ALBERT HARLFINGER	PO 4463 REFUND OF 2010 HOMESTEAD REBATE	324.22	324.22
221 - ASSOCIATED MAILING	PO 4412 NEWSLETTER- WINTER 2012	705.00	705.00
534 - CEDAR RIDGE LAWN MAINTENANCE, LLC	PO 4415 SNOW REMOVAL SERVICE FOR JAN 2012	3,653.17	3,653.17
202 - CENTURYLINK	PO 4446 TELEPHONE SERVICE, ACCT 310227467/3	328.92	328.92
357 - CLARKE CATON HINTZ	PO 4416 PROF SERVICES FOR DEC 2011, INV 532	823.26	823.26
107 - CLINTON BUSINESS PRODUCTS, INC	PO 4417 OFFICE SUPPLIES, ACCT 1452-0	392.50	392.50
247 - COMCAST	PO 4464 STATIC IP ADDRESS INTERNET SERVICE	119.64	119.64
247 - COMCAST	PO 4469 TELEPHONE SVC FOR FEBRUARY 2012, AC	285.01	285.01
38 - COUNTY OF HUNTERDON	PO 4418 GASOLINE/DIESEL FUEL FOR DEC 2011 &	953.12	953.12
132 - COUNTY OF HUNTERDON	PO 4421 FOOD INSPECTIONS FOR OCT/DEC 2011,	2,000.00	2,000.00
111 - ELIZABETH C MCKENZIE	PO 4419 PROF SVCS FOR DEC 2011/JAN 2012, TH	1,000.00	1,000.00
39 - ELIZABETHTOWN GAS	PO 4447 NATURAL GAS SERVICE, ACCT 682238561	1,134.10	1,134.10
153 - HOME DEPOT CREDIT SVCS	PO 4448 SUPPLIES, ACCT 6035322540909730	353.35	353.35
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 4422 DENTAL INSURANCE FOR MARCH 2012	245.81	245.81
54 - NJN PUBLISHING	PO 4449 LEGAL ADS, ACCT L901188	379.66	379.66

53 - HUNTERDON COUNTY MUNIC CLERK'S ASSO	PO 4420	2012 MEMBERSHIP DUES FOR KAREN ROMA	25.00	25.00
53 - HUNTERDON COUNTY MUNIC CLERK'S ASSO	PO 4423	MUNICIPAL CLERKS LUNCHEON	25.00	25.00
16 - JCP&L	PO 4424	ELECTRIC SERVICE FOR OCT/NOV/DEC 20	3,212.47	3,212.47
16 - JCP&L	PO 4465	ELECTRIC SVCS FOR ACCT140575/143512	278.92	278.92
16 - JCP&L	PO 4467	SVCS FOR ACCT /1000636447751000634	6.50	6.50
537 - JIM FARMER	PO 4450	REIMBURSE FOR SUPPLIES	52.36	52.36
264 - JOSEPH S. NOVAK	PO 4411	FEBRUARY 2012 MONTHLY LEGAL SERVICE	3,000.00	3,000.00
104 - KAY WINZENRIED	PO 4470	1099 FORMS- OFFICE SUPPLIES,	34.99	34.99
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 4426	FEBRUARY 2012 LOCAL SCHOOL TAX	222,411.70	222,411.70
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 4471	MARCH 2012 LOCAL SCHOOL TAX	222,411.70	222,411.70
9 - MUNICIPAL SOFTWARE, INC	PO 4451	DATA PROCESSING SERVICE, INV 000037	119.97	119.97
253 - NEW JERSEY STATE POLICE	PO 4266	STATE POLICE SERVICES FOR DEC 2011	3,913.44	3,913.44
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 4452	LOCAL GOVERNMENT ETHICS LAW PUBLICA	14.00	14.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 4444	MARCH 2012 REGIONAL SCHOOL TAXES	271,022.28	271,022.28
35 - NORTH HUNTERDON MUNICIPAL COURT	PO 4428	MUNICIPAL COURT SERVICE FOR FEB 201	708.00	708.00
513 - PAYCHEX OF NEW YORK LLC	PO 4453	PAYROLL SERVICE, INV 601674, 603516	338.28	338.28
233 - PITNEY BOWES	PO 4439	POSTAGE MACHINE RENTAL FOR FEB-MAY	142.12	142.12
233 - PITNEY BOWES	PO 4454	POSTAGE MACHINE MAINTENANCE CHG, AC	26.00	26.00
37 - PITNEY BOWES - RESERVE ACCOUNT	PO 4472	POSTAGE	200.00	200.00
28 - PREMIER DISPOSAL, INC	PO 4455	TRASH REMOVAL SERVICE FOR JANUARY 2	4,832.96	4,832.96
20 - QUILL CORPORATION	PO 4440	OFFICE SUPPLIES, ACCT C671593	28.98	28.98
457 - RUTGERS, THE STATE UNIVERSITY	PO 4456	MUNICIPAL CLERKS STUDY GUIDE 3RD ED	98.00	98.00
303 - SHARP ELECTRONICS CORPORATION	PO 4457	COPIER LEASE FOR FEBRUARY 2012, INV	184.46	184.46
176 - SHOPRITE OF HUNTERDON COUNTY	PO 4442	KITCHEN SUPPLIES	84.88	84.88
368 - THOMAS L YAGER & ASSOC	PO 4409	PROF SVCS FOR DECEMBER 2011, INV 14	1,763.00	1,763.00
43 - TOWN OF CLINTON	PO 4459	WATER BILL FOR NOV/DEC 2011 - JAN 2	62.98	62.98
66 - TREASURER, STATE OF NEWJERSEY	PO 4468	STORMWATER PERMIT - ID 000000942114	1,050.00	1,050.00
11 - VITAL SERVICES GROUP	PO 4445	2012 MASTER FILE	100.00	100.00
192 - WALMART BUSINESS	PO 4460	ANT SPRAY, ACCT 5001	15.63	15.63
27 - WASTE MANAGEMENT OF NJ INC	PO 4461	TRASH REMOVAL SERVICE FOR JAN 2012,	3,864.94	3,864.94
536 - ZEE MEDICAL INC.	PO 4443	MEDICAL CABINET AND SUPPLIES, INV 0	129.00	129.00
536 - ZEE MEDICAL INC.	PO 4462	AED/BATTERIES, INV D1529101	2,625.33	2,625.33
<b>TRUST FUNDS</b>				
532 - ACE IN THE HOLE	PO 4413	LEBANON SENIOR OKTOBERFEST EVENT 10	100.00	100.00
533 - ALL STAR PRODUCTIONS	PO 4414	LEBANON SENIORS - ST. PATRICKS DAY	100.00	100.00
535 - JEFFERSON HOUSE INC.	PO 4425	SENIORS RESERVATION FOR SEPT BBQ 9-	100.00	100.00
321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 4466	DOG LICENSE REPORT FOR JAN 2012	144.00	144.00
TOTAL				755,924.65
Total to be paid from Fund 01 Current Fund		755,480.65		
Total to be paid from Fund 03 TRUST FUNDS		444.00		
		=====		
		755,924.65		

Checks Previously Disbursed

99999	LEBANON BOROUGH PAYROLL	PAYROLL 1/31/2012	10,941.90	1/31/2012
6920	JOSEPH S. NOVAK	PO# 4410 JANUARY 2012 MONTHLY LEGAL SERVIC	3,000.00	1/25/2012
			-----	



**AN ORDINANCE AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE  
INSTALLATION OF A TRUCK BAY VENTILATION SYSTEM**

**WHEREAS**, the Borough of Lebanon must install a truck bay ventilation system for the safety of all employees and residence (public safety shelter) of the Borough, and

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

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

SECTION I: An additional sum of \$6000.00 from the account entitled "Capital Improvement Fund" is hereby appropriated for the purpose of the installation of a truck bay ventilation system

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

ATTEST:

LEBANON BOROUGH COUNCIL

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

\_\_\_\_\_  
Sam Berger  
Council President

Vote after public hearing and upon final adoption:

Berger 1  
Burton 1  
Pittinger 1  
Junge 1  
Knoble 1  
Schmidt 1

Ordinance approved by the Governing Body and presented  
to the Mayor on January 19, 2012.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Michael F. Reino, Mayor

\_\_\_\_\_  
Michael F. Reino, Mayor

Date:

Date:

Returned to Borough Clerk with statement attached on February 15, 2012

**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, 2012 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 15, 2012, at 7:30 PM in the Municipal Building on 6 High Street, Lebanon, NJ

\_\_\_\_\_  
Karen M. Romano

Borough Clerk

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

**NOTICE OF FINAL PASSAGE**

**AN ORDINANCE AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE  
INSTALLATION OF A TRUCK BAY VENTILATION SYSTEM**

**ORDINANCE 2012-01**

**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 19<sup>th</sup> day of January 2012, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of February 2012 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: January 19, 2012**

**ADOPTION : February 15, 2012**

**The motion was passed by the following vote:**

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

**NO: None**

**ABSTAIN: None**  
**ABSENT: None**

**ORDINANCE #2012-02 OPEN PUBLIC SESSION :**

**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 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# 2012-02:**

**Council President Berger made a motion to ADOPTION Ordinance #2012-02 with a second by Councilman Knoble.**

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

**ORDINANCE NO. 2012-02**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON  
PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE  
BOROUGH OF LEBANON OFFICERS, EMPLOYEES AND OFFICIALS**

BE IT HEREBY ORDAINED by the Council, with the approval of the Mayor, of the Borough of Lebanon, in the County of Hunterdon, and State of New Jersey as follows:

SECTION 1. Intent.

It is the intent and purpose of the Ordinance to provide for the indemnification and defense of actions against certain public officials and employees as described herein:

SECTION 2. Definitions.

For the purposes of this Chapter, unless the context clearly indicates a difference meaning, the following words and phrases shall have the meanings set forth:

Insurance - Coverage afforded by insurance policies of every kind, whether the

premiums by paid by the Borough, the Municipal Official or their behalf.

**Municipal Official** - Any officer or official, employee, Borough of Lebanon Council Member, Mayor, Board Member of other individual appointed or hired by the Mayor or the Borough Council, whether full or part time. The term shall also include any volunteer serving the Borough on the Recreation Committee or as a coach or assistant on a team organized under the auspices of the Recreation Committee or member of the Volunteer Fire Department. The term shall also include any person elected by the voters to fill any official position in the Borough for any person subsequently appointed to fill such position. The term shall not include an independent contractor.

**Other Terms** - Any other term shall have the meaning as set forth and defined in the New Jersey Tort Claims Act.

### **SECTION 3. Provisions for Defense.**

The Borough shall provide for the defense of any action brought against a municipal official on account of any act or omission arising out of or incident to the performance of their duties, and this obligation shall extend to any complaint, counterclaim, cross complaint against such municipal official, unless excepted by the terms of the exception section below.

### **SECTION 4. Exceptions.**

The Borough shall not be required to provide any defense when the Borough Council determines that:

- (a) The act or omission was not within the scope or incidental to the duties of the public officials;
- (b) The act or failure to act was the result of actual fraud, actual malice, willful misconduct or any intentional wrong;
- (c) The defense of the action or proceeding is provided for by an insurance policy or policies, whether obtained by the Borough or by any other person or entity;
- (d) Where the action has been brought by the municipality itself against the public official, or where the action is a criminal proceeding;
- (e) Where the public official has failed to provide to the Borough within fifteen (15) calendar days after the time the public official is served with any summons, complaint, process, notice, demand or pleading, the original or a copy thereof;

Where the public official has failed to cooperate fully with the defense of the action;

- (g) The public official acted in violation of the Municipal Ethics Law  
(N.J.S.A. 40A:9-22.1, et seq.)

#### **SECTION 5. Punitive Damages.**

Nothing in this section shall require the Borough to pay for punitive or exemplary damage or damages resulting from the commission of a crime. The Borough may indemnify a Borough employee for exemplary or punitive damages resulting from the employee's civil violation of state or federal law if, in the sole opinion of the governing body, the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or any intentional wrong.

#### SECTION 6. Notice.

It shall be the duty of the employee to immediately notify the Borough Clerk in writing as to any action threatened against the employee.

#### SECTION 7. Exclusive Control as a Condition for Such Defense.

The Borough shall have exclusive control over the representation of such person defended and such person shall cooperate fully with the Borough, provided, however, that such person may at any time and at such person's option, take control over representation and assume the legal defense, by first waiving in writing all inuring rights to indemnification and thereby waiving all rights to payment for damages and/or costs of defense by the Borough.

#### SECTION 8. Representation.

The Borough may provide for the defense pursuant to this section by authorizing the Borough Attorney to act on behalf of the person being defended, or by employing other counsel for this purpose, or by asserting the Borough's right under any appropriate insurance policy which requires the insurance to provide the defense. Except as provided in the indemnification clause hereinafter, the Borough shall not reimburse the employee for any legal costs incurred that were not authorized by the Borough in writing.

#### SECTION 9. Indemnification.

If the Borough refuses to provide for the defense of an employee as required above, the employee shall be entitled to indemnification from the Borough if he or she established that the act or omission upon which the claim or judgment was based occurred within the scope of his or her duties as an employee of the Borough and if he or she proves that the act or omission was not the result of fraud, malice or willful misconduct.

#### SECTION 10. Partial Repeal.

Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 11. 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 12 - EFFECTIVE DATE.

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

ATTEST

BOROUGH OF LEBANON

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

\_\_\_\_\_  
Michael Reino, Mayor

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Junge 1

Ordinance approved by the Governing Body and presented

Knoble 1

to the Mayor on \_\_\_\_\_, 2012

Pittinge 1

Schmidt 1

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Date: Michael Reino, Mayor

\_\_\_\_\_  
Date: Michael Reino, Mayor

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2012

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on January 18, 2012 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 15, 2012 at 7:30 p.m. in the Municipal Building, located at 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  
AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON  
PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE  
BOROUGH OF LEBANON OFFICERS, EMPLOYEES AND OFFICIALS**

**ORDINANCE 2012-02**

**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 19<sup>th</sup> day of January 2012, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of February 2012 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: January 19, 2012  
ADOPTED: February 15, 2012**

The motion was passed by the following vote:

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

**NO: None**

**ABSTAIN: None**

**ABSENT: None**

**ORDINANCE# 2012-03:**

**Council President Berger made a motion to Introduction Ordinance #2012-03 with a second by Councilman Knoble.**

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

**ORDINANCE 2012-03**

**AN ORDINANCE BY THE BOROUGH OF LEBANON  
IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY  
TO EXCEED THE INDEX RATE FOR THE 2012 BUDGET**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to two and one-half percent (2.5%) unless authorized by ordinance to increase it to three and one-half percent (3.5%) the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the three and one-half (3.5%) percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Governing Body of the Borough of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its 2012 budget by up to three and one half percent (3.5%) over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

**WHEREAS**, the Governing Body hereby determines that a three and one half percent (3.5%) increase in the budget for said year, amounting to \$32,249.21 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

**WHEREAS**, the Governing Body of the Borough of Lebanon hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2012 budget year, the final appropriations of the Borough of Lebanon shall, in accordance with the ordinance and NJSA 40A: 4-45.14 be increased by 3.5%, amounting to \$34,293.67, and that the 2012 municipal budget for the Borough of Lebanon be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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
- Junge 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: February 15, 2012  
Adopted:

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 15, 2012 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 March 21, 2012 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

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

**The motion was passed by the following vote:**

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

**NO: None**

**ABSTAIN: None**

**ABSENT: None**

**Resolution #35-2012#:**

**Councilman Burton made a motion to approve Resolution #35-2012 with a second by Councilwoman Schmidt.**

**BOROUGH OF LEBANON**

**COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION #35-2012  
REFUND OF TAXES**

**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 and Olivia Harlfinger 1 Howard Ct Lebanon NJ 08833	2012	324.22

Introduced and adopted February 15, 2012

LEBANON BOROUGH COUNCIL

Ayes: 6  
Nays: 0  
Absent: 0

\_\_\_\_\_  
President, Sam Berger Council

Abstain: 0

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 bFebruary 15, 2012, 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: February 15, 2012

\_\_\_\_\_  
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, Councilman Pittinger and Councilman Junge**

**NO: None**

**ABSTAIN: None**

**ABSENT: None**

**Resolution #36-2012#:**

**Councilman Burton made a motion to approve Resolution #36-2012 with a second by Councilwoman Schmidt.**

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

**RESOLUTION #36-2012**

**A RESOLUTION AUTHORIZING A TONNAGE GRANT APPLICATION**

**WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Lebanon Borough to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the Borough of Lebanon that the Borough of Lebanon hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Karen Romano to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: 6

Nays: 0

Absent: 0

ATTEST:

\_\_\_\_\_  
Sam Berger

Borough Council President

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

#### CERTIFICATION

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 15<sup>th</sup> day of February, 2012; 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: February 15, 2012

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

**The motion was passed by the following vote:**

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

**NO: None**

**ABSTAIN: None**  
**ABSENT: None**

**Resolution #37-2012#:**

**Councilman Burton made a motion to approve Resolution #37-2012 with a second by Councilwoman Schmidt.**

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

**RESOLUTION #37-2012**

**SUBSTITUTE CROSSING GUARDS APPOINTMENT**

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

Susan Woods

**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 2012-2013:

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

Introduced and adopted: August 17, 2010 LEBANON BOROUGH COUNCIL

Ayes: 6  
Nays: 0

Absent: 0  
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 15th day of February; 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: February 15, 2012

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

**The motion was passed by the following vote:**

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

**NO: None**

**ABSTAIN: None**

**ABSENT: None**

**Mayor Reino called for a motion to allow a renewal of the Edward Jones Solicitation permit. Councilwoman Schmidt made a motion to pass the solicitation permit with a second from Councilman Burton.**

**The motion was passed by the following vote:**

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

**NO: None**

**ABSTAIN: None**

**ABSENT: None**

**OPEN PUBLIC SESSION #2:**

**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.**

Joseph Hauck reported that the Historical Committee purchased 3 more pictures.

**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.**

**MISCELLANEOUS:**

**Council President Berger moved and Councilman Knoble seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:10 PM by unanimous vote.**

Respectfully Submitted

---

Karen M. Romano, RMC  
Borough Clerk

