



**LEBANON BOROUGH COMMON COUNCIL
MINUTES
November 17, 2014**

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 Burton, Councilman Berger, Councilwoman Schmidt, Councilman Knoble, Councilman Junge and Councilman Pittinger

Absent:

Also Present: Attorney Novak, Clerk Karen M. Romano

MOMENT OF SILENCE:

Mayor Reino stated a total of 8246 United States Service Members had given their lives for our country for the war on terrorism. New Jersey total continues at 128. 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 #104 -2014:

Council President Burton made a motion to approve Resolution 104-2014 the Consent Agenda with a second by Councilman Knoble.

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

RESOLUTION # 104-2014

**CONSENT AGENDA
November 17, 2014**

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 Appointment of Leona Burton
2. HC Purchasing of a Dump Truck
3. Meals on Wheels
4. NJLM Newly Elected Officials
5. Raritan Headwaters Association
6. HC Public Safety and Health Animal Control Shared Service
7. Hunterdon Help Line
8. Safe in Hunterdon

Introduced and adopted November 17, 2014:

Ayes: 6
Nays: 0
Absent: 0

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the November 17, 2014 force and effect as of the date I have subscribed my signature.

Date: November 17, 2014

Karen M. Romano, RMC
Borough Administrator/Clerk

The motion was passed by the following vote:

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

APPROVAL OF MINUTES:

Councilman Knoble made a motion to accept the Regular and Executive Meeting Minutes of October 2014. With a second by Councilwoman Schmidt.

The motion was passed by the following vote:

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

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for November 2014. Council President Burton seconded the motion.

Report Printed 2014-11-15 14:28:50 Lebanon Borough

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
Current Fund			
555 - A. PATULLO POWER WASH INC.	PO 6367 2014 LEAF PICK UP WEEK OF 10-17-14	2,108.16	2,108.16
555 - A. PATULLO POWER WASH INC.	PO 6388 2014 LEAF PICK UP WEEK OF 11-17-14	2,108.16	2,108.16
221 - ASSOCIATED MAILING	PO 6356 LEBANON LANTERN FALL 2014 PRINTING,	1,205.00	1,205.00

659	- BECHAGE SEALCOATING	PO 6341	MUNICIPAL PARKING LOT SEALCOATING S	3,311.82	3,311.82
661	- BOROUGH OF LEBANON-FALSE ALARM TRUS	PO 6355	FALSE ALARM FEES	13,250.00	13,250.00
534	- CEDAR RIDGE LAWN MAINTENANCE, LLC	PO 6008	GROUNDS MAINTENANCE NOVEMBER 2014	1,284.41	1,284.41
202	- CERUFULLINK	PO 6375	TELEPHONE SERVICE, ACCT 310227467/3	335.22	335.22
247	- COMCAST	PO 6357	TELEPHONE SVC, ACCT 01729236295016	296.81	296.81
652	- CONSTELLATION NEMENERGY INC	PO 6342	STREET LIGHTING, ID 1-DRUSOV/1-DH00	94.97	94.97
652	- CONSTELLATION NEMENERGY INC	PO 6343	ELECTRIC SVC, CUSTOMER 1-DRUSOV	446.09	446.09
132	- COUNTY OF HUNTERDON	PO 6360	HEALTH DEPT INSPECTIONS FOR 07/01-0	1,300.00	1,300.00
39	- ELIZABETHTOWN GAS	PO 6358	NATURAL GAS SVC, ACCT 2635600594	8.14	8.14
39	- ELIZABETHTOWN GAS	PO 6359	NATURAL GAS SVC, ACCT 6822385611	60.09	60.09
46	- FERRIERO ENGINEERING	PO 6376	OCTOBER 2014 ENGINEERING SVCS,	2,295.01	2,295.01
46	- FERRIERO ENGINEERING	PO 6382	OCTOBER 2014 ENGINEERING SVCS,	795.00	795.00
46	- FERRIERO ENGINEERING	PO 6383	OCTOBER 2014 ENGINEERING SVCS,	161.41	161.41
46	- FERRIERO ENGINEERING	PO 6384	OCTOBER 2014 ENGINEERING SVCS,	326.51	326.51
153	- HOME DEPOT CREDIT SVCS	PO 6390	RECREATION SUPPLIES, ACCT 9730	27.76	27.76
83	- HORTON BLUE CROSS BLUE SHIELD NJ	PO 6153	DENTAL INSURANCE FOR DECEMBER 2014,	245.81	245.81
54	- NJN PUBLISHING	PO 6347	LEGAL ADS, ACCT 1501188	131.88	131.88
54	- NJN PUBLISHING	PO 6365	LEGAL ADS, ACCT 1169004	233.20	233.20
16	- JCP&L	PO 6344	ELECTRIC SVC, ACCT 100064143512/140	186.19	186.19
16	- JCP&L	PO 6345	STREET LIGHTING, ACCT 100002994182/	720.85	720.85
16	- JCP&L	PO 6361	ELECTRIC SVC, FOR ACCT 200000052726	423.24	423.24
597	- JERSEY ELEVATOR	PO 6377	ELEVATOR MAINTENANCE, account # 548	135.00	135.00
401	- JOINT COURT BETHLEHEM/BLOOMSBURY	PO 6186	MUNICIPAL COURT SVCS - 2014 4th Q	3,335.25	3,335.25
264	- JOSEPH S. NOYAN	PO 5989	MONTHLY LEGAL SERVICE FOR NOVEMBER	3,208.00	3,208.00
167	- KAREN ROMANO	PO 5992	CELL PHONE REIMBURSEMENT, NOVEMBER	100.00	100.00
167	- KAREN ROMANO	PO 6362	REIMBURSE FOR EXPENSES	102.33	102.33
557	- LANDMARK FIRE PROTECTION, INC.	PO 6346	BORO HALL SEMI ANNUAL TESTING AND I	840.00	840.00
559	- LANZA & LANZA LLP	PO 6363	LEBANON BORO V T.M. BRENNAN CONTRAC	416.00	416.00
59	- LEBANON BOROUGH BOARD OF EDUCATION	PO 6184	LOCAL SCHOOL TAX FOR DECEMBER 2014	223,773.80	223,773.80
253	- NEW JERSEY STATE POLICE	PO 6366	STATE POLICE SERVICES FOR SEPTEMBER	2,799.68	2,799.68
42	- NJ STATE LEAGUE OF MUNICIPALITIES	PO 6249	PERSONNEL MANUAL AND POLICIES SEMIN	75.00	75.00
513	- PAYCHEX OF NEW YORK LLC	PO 6368	PAYROLL SERVICE FOR 10/31/2014, INV	174.83	174.83
513	- PAYCHEX OF NEW YORK LLC	PO 6378	PAYROLL SERVICE FOR11/14/2014, INV	202.83	202.83
233	- PITNEY BOWES	PO 6348	POSTAGE MACHINE LEASE, ACCT 1596-02	75.00	75.00
37	- PITNEY BOWES - RESERVE ACCOUNT	PO 6265	POSTAGE FOR DECEMBER	200.00	200.00
68	- POLAND SPRING WATER CO	PO 6349	BOTTLED WATER SVC FOR 9/17-10/15/20	43.86	43.86
28	- PREMIER DISPOSAL, INC	PO 6369	TRASH REMOVAL SVC FOR OCTOBER 2014,	4,576.00	4,576.00
20	- QUILL CORPORATION	PO 6350	OFFICE SUPPLIES, ACCT C671593	202.94	202.94
6	- RICHARD M. CONLEY, LLC	PO 6370	OFFICE SUPPLIES, ACCT C671593	83.88	83.88
176	- SHORFITE OF HUNTERDON COUNTY	PO 6351	LEGAL SERVICES FOR AUGUST & SEPTEMB	497.35	497.35
390	- TELE-DATA SOLUTIONS	PO 6371	RECREATION SUPPLIES,	27.98	27.98
43	- TOWN OF CLINTON	PO 6353	PHONE MAINTENANCE CONTRACT, 11/8-12	98.33	98.33
560	- TREASURER-STATE OF NJ	PO 6379	2ND QTR WATER BILL, ACCT 000052 & A	80.80	80.80
348	- WALL ENERGY SERVICES, LLC	PO 6380	MARRIAGE LICENSE FEES, 3RD QTR 2014	75.00	75.00
192	- WALMART BUSINESS	PO 6087	MAINTENANCE CONTRACT FOR NOVEMBER 2	308.00	308.00
27	- WASTE MANAGEMENT OF NJ INC	PO 6354	RECREATION SUPPLIES, ACCT 6032202	258.79	258.79
		PO 6381	WASTE REMOVAL SVC FOR OCTOBER 2014,	3,603.20	3,603.20

TRUST FUNDS

321	- NJ DEPT OF HEALTH & SENIOR SVCS	PO 6364	MONTHLY DOG LICENSE REPORT FOR OCTO	5.40	5.40
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DEVELOPERS ESCROW

46	- FERRIERO ENGINEERING	PO 6372	October 2014 Pizzo & Pizzo	127.98	127.98
46	- FERRIERO ENGINEERING	PO 6373	October 2014 CURSHAW	191.73	191.73
46	- FERRIERO ENGINEERING	PO 6374	October 2014 ROLLIN FAST	383.94	383.94
46	- FERRIERO ENGINEERING	PO 6385	OCTOBER 2014 TOWN OF CLINTON WATER	613.38	613.38

TOTAL

277,972.01

Total to be paid from Fund 01 Current Fund 276,649.58
 Total to be paid from Fund 03 TRUST FUNDS 5.40
 Total to be paid from Fund 14 DEVELOPERS ESCROW 1,317.03

277,972.01

Checks Previously Disbursed

99999	NJ STATE HEALTH BENEFITS PLAN	OCTOBER 2014	3,551.21	11/14/2014
99999	NJ STATE HEALTH BENEFITS PLAN	SEPTEMBER 2014	3,551.21	10/15/2014
99999	LEBANON BOROUGH PAYROLL	PAYROLL 11/14/15	13,164.52	11/15/2014
99999	LEBANON BOROUGH PAYROLL	PAYROLL 10/31/2014	9,922.06	10/31/2014

30,189.00

Total paid from Fund 01 Current Fund

30,189.00

30,189.00

Total for this Bills List: 308,161.01

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT:

OPEN PUBLIC SESSION:

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

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

STREET OPENING

Council President Burton made a motion to approve the two Street Openings at 72 Brunswick and 22 Cherry Street for Elizabethtown Gas with a second by Councilwoman Schmidt.

The motion passed by the following roll call vote:

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

SOLICITOR PERMIT

Council President Burton made a motion to approve the Solicitor's Permit for Beacon Insurance group with a second by Councilwoman Schmidt.

The motion passed by the following roll call vote:

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

SHARED SERVICE AGREEMENT : LEBANON BOROUGH SCHOOL AND LEBANON BOROUGH

Council President Burton made a motion to approve the Lebanon Borough School and Lebanon Borough shared service agreement for Landscaping and Snowplowing group with a second by Councilman Berger.

SHARED SERVICES AGREEMENT
BY AND BETWEEN
THE BOROUGH OF LEBANON
AND
THE BOARD OF EDUCATION OF THE BOROUGH OF LEBANON

This Agreement dated November 17, 2014 is entered into by and between:
The Borough of Lebanon, A Municipal Corporation of the State of New Jersey (hereinafter "Borough"), c/o Karen Romano, R.M.C., 6 High Street in the Borough of Lebanon, Hunterdon County, New Jersey; and

The Board of Education of the Borough of Lebanon (hereinafter "Board"), c/o Joseph Bellino, Business Administrator, a Public Education Corporation of the State of New Jersey located at 6 Maple Street, Lebanon, New Jersey 08833.

WHEREAS, various New Jersey Statutes governing municipalities and Boards of Education encourage and permit a variety of shared services, joint meetings, consolidated and regional services; and

WHEREAS, in 2007, the legislature adopted the "Uniform Shared Services and Consolidation Act", N.J.S.A. 40A:65-1, et seq., to create a new shared services statute to effectuate agreements between local units for any service or circumstance intended to reduce property taxes through the reduction of local expenses; and

WHEREAS, the Borough of Lebanon has entered into various shared services agreements to satisfy its responsibilities with regard to Municipal Courts, Construction Code administration, middle school education, as well as other services; and

WHEREAS, the Borough of Lebanon and the Board of Education of the Borough of Lebanon have responsibilities and a need for services in common areas which, through a shared services agreement can reduce property taxes, through the reduction of local expenses, and the governing bodies of both entities desire to enter into such a shared service agreement; and

WHEREAS, the governing bodies of each entity have adopted the appropriate resolution authorizing the execution of this Shared Services 'Agreement.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and promises contained herein, the Borough of Lebanon and the Board of Education of the Borough of Lebanon do hereby mutually agree as follows:

Article 1— Scope of Services: Snow / Ice Removal

- A. The Borough agrees to provide snow removal and ice control services to the Board for its property located at 6 Maple Street, Lebanon, New Jersey and including all roadways, driveways, and parking lots which have historically and currently are being maintained by the Board.
- B. The Borough annually submits requests for proposals and bids for snow removal and ice control services within the Borough of Lebanon. The Borough shall include the property of the Board in the request for such proposals and bids and the Board hereby agrees to pay the said amounts for any bid awarded by the Borough, and in relation to the servicing of the Board's property, up to a threshold of \$4,000.00. Any costs incurred over this amount will be initially paid by the Borough, and thereafter submitted to, and reimbursed by the Board to the Borough in the amount over the base threshold.
- C. The specific services shall be those snow removal and ice control services as provided to the Borough, and including snow removal and ice control on the driveways, roadways, and parking lots (if required by the Board) between November 18, 2014 and April 15, 2015. The Borough will not provide through its contractor, any snow blowing or shoveling of sidewalk services.
- D. The Borough shall be the primary and lead entity under this Agreement, responsible for the direction and control of the provision of services enumerated under this Agreement. As such, the Borough through its representatives shall provide the administration and supervision services, and including the direction and authorization to institute services including the call-out of plows and/or salting equipment, as well as numbers and types of equipment to be utilized. In addition, the Borough in consultation with its independent contractor providing the service, shall make determinations on blowing, spreading of salt and other such related services.
- E. The Board shall designate a liaison person to communicate with the Borough's representative for purposes of evaluating snow and ice conditions and suggestions for an appropriate response and treatment or provision of services. In any event, the determination of the Borough representative in its sole discretion shall be final and binding on the scope of service to be provided.

Comment [RJB1]: Joe, a couple of other items to consider. I'd like this agreement to allow.
1. Shared quoting and purchasing of various products and service, such as cleaning supplies, mulch, weed control services, sealcoating services, various required building maintenance and inspection services where it is advantageous to do so.
2. Request of Board to use Municipal Engineer in support of repairs to driveways and inlet repairs.

Comment [RJB2]: One thought to consider if we want to bound the amount we will cover to a threshold, and if the amount beyond the threshold to be covered by the Board. This would allow them to keep a line item in their budget, which I think would be a good idea. Also we can develop a history, to determine if adjustments to the agreement are warranted

Comment [RJB3]: For the school we are only providing the plow and salting, the School custodian is snow-blowing and cleaning and salting sidewalks. Our contractor would not be providing these services to the schools.

OR do we carry the qualification forward from the previous paragraph.

Article 2 — Term of Contract:

This Agreement shall commence on November 18, 2014 and shall be contingent upon the approval by resolution and authorization to execute this Agreement by each entity. The Agreement shall remain in full force and effect through November 17, 2015. There shall be no automatic renewals or extensions of this Agreement. If the parties wish to renew or

Comment [RJB4]: Does the existing agreement end on the 15th... Our meeting is now on the 17th should we adjust this date

extend or otherwise modify this agreement, the parties must secure prior resolution approval of the proposed renewal, extension or other modification.

The parties contemplate that there may be additional opportunities presented for shared services and may modify this agreement to provide for such services.

Article 3 — Consideration — Shared Service:

- A. The Board currently owns, maintains and operates various landscaping and lawn care equipment, including mower(s), trimmer(s), leaf blower(s), and supplies including fuel cans, fuel and oil for the maintenance of its property.
- B. In consideration for the services to be provided by the Borough under Article 1 above, the Board shall make available and provide to the Borough at no cost or expense, all of its landscaping/lawn care equipment and supplies, together with any additional equipment which the Board may acquire, and shall maintain, repair and/or replace such equipment as well as supplies, (fuel, oil, trimmer string), during the term of this Agreement, at the Board's sole cost and expense.
- C. The Board's Custodian presently provides lawn care/landscaping services to the Board at its property during normal working hours. The Custodian also serves in a like capacity for the Borough at times other than his regular, full time duties with the Board. As such, the Custodian has a working knowledge and experience of the Board's landscaping / lawn care equipment and supplies.
- D. The Borough, at its cost and expense, will employ the Custodian to provide lawn care and landscaping services to the Borough at its properties, namely, the Holjes Sheppard Memorial Park, and the Municipal Buildings located at 96 Main Street and 6 High Street in the Borough of Lebanon. The custodian will utilize the equipment and supplies provided by the Board.

Comment [RJB5]: I had opportunity to speak with Jerry today (Saturday), he mentioned that mulching not be something he would want to tackle this year, he could gather the quotes for both the school and the municipality and monitor the work, however he is very confident that the lawn cutting, trimming and trimming of shrubs, are work for which he has the proper equipment. The mulch is more than he can address on his own.

Article 4 — Insurance — Indemnification:

The Board shall name the Borough as an additional insured under all of its policies of insurance that would or could provide coverage to the Borough for any and all services contemplated under this agreement, and to be provided by or through the Borough, including but not limited to, general liability, and workman's compensation, and the Board shall provide a current Certificate of Insurance annually to the Borough.

The Board does hereby agree, at its sole cost and expense, to defend, hold harmless and indemnify the Borough, its officers, employees, and agents as to all matters, claims and expenses arising out of this Agreement for any claim of any nature whatsoever to include Attorney's fees and Court costs incurred by the Borough in the provision of services hereunder, unless the actions or negligence of the said individual is such that it is outside the protection of the Tort Claims Act, Title 59 of the New Jersey Statutes, in which case there shall be no indemnity.

Article 5- Miscellaneous:

- A. **Other Shared Services.** The parties will periodically review the services provided under this Agreement and continue a dialogue for possible future shared services to be exchanged between the parties for goods, supplies, and/or services, such as the seal coating of driveways and parking lots, utilization of engineering services for drainage structure inspection and servicing, joint supply purchases, etc.

B. Entire Agreement. This Agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this agreement shall be valid unless the same shall be in writing and signed by all of the parties hereto, based upon authorizing resolutions.

C. Severability. If any clause, sentence, paragraph, section or part of this agreement shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

D. Venue. This agreement shall be construed and enforced in accordance with the laws of the State of New Jersey.

E. Binding Effect. All covenants and agreements set forth herein shall bind and inure to the benefit of the respective successors and assigns of the parties.

F. Compliance. The parties hereto shall comply with all applicable rules, regulations and Statutes of the State of New Jersey.

IN WITNESS WHEREOF, the Borough of Lebanon and the Board of Education of the Borough of Lebanon, through duly adopted Resolutions have caused this Shared Services Agreement to be signed by their duly elected and appointed officers.

ATTEST:

BOROUGH OF LEBANON

Karen M. Romano, Administrator/RMC

Michael Reino, Mayor

ATTEST:

BOARD OF EDUCATION OF THE
BOROUGH OF LEBANON

Joseph Bellino, Business Administrator

Christine Burton, President

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

ORDINANCE 2014-6 : INTRODUCTION

**BOND ORDINANCE PROVIDING FOR THE
ACQUISITION OF A PUMPER FIRE ENGINE**

Councilman Junge made a motion to introduce the Bond Ordinance providing for the acquisition of a Pumper Fire Engine with a second by Council President Burton.



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

BOND ORDINANCE # 2014-06

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PUMPER FIRE ENGINE, BY AND IN THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance are hereby authorized as general improvement or purpose to be undertaken by the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$750,000, which sum includes \$37,500 as the amount of down payment for such improvement as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes..

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$750,000 not provided for by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$712,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in an aggregate principal amount not exceeding \$712,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition of a pumper fire engine, including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto;

(b) The above improvement and purpose set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purpose is \$712,500.

(d) The aggregate estimated cost of said improvement or purpose is \$750,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Hunterdon make a contribution or grant in aid to the Borough, for the improvement and purpose authorized herein and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance are not current expenses and are improvement or purpose which the Borough may lawfully undertake as general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$712,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property

within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$712,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

INTRODUCED ON FIRST READING

DATED: November 17, 2014

KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon

ADOPTED ON SECOND READING

DATED: December 17, 2014

KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2014

MICHAEL REINO, Mayor

**BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), on November 17, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough's Municipal Building, Lebanon, in said County on December 17, 2014 at 7:30 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Borough Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PUMPER FIRE ENGINE, BY AND IN THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Purpose(s): Acquisition of a pumper fire engine

Appropriation: \$750,000

Bonds/Notes Authorized: \$712,500

Grants Appropriated: None

Section 20 Costs: \$50,000

Useful Life: 10 years

**KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon**

**BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") on December 17, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Borough Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PUMPER FIRE ENGINE, BY AND IN THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES**

OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): Acquisition of a pumper fire engine

Appropriation: \$750,000

**Bonds/Notes
Authorized:** \$712,500

Grants None

Appropriated:

**Section 20
Costs:** \$50,000

Useful Life: 10 years

**KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on November 17, 2014 at 7:30 p.m. at the Borough's Municipal Building and that the following was the roll call:

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

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this 17th day of December, 2014.

(SEAL)

KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on December 17, 2014, at 7:30 p.m. at the Borough's Municipal Building and that the following was the roll call:

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

Absent: **Councilman Pittinger**

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this 17th day of December, 2014.

(SEAL)

KAREN M. ROMANO
Administrator/Clerk of the Borough of Lebanon

CLERK'S CERTIFICATE

I, KAREN ROMANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Lebanon, in the County of Hunterdon (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing

body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on November 17, 2014 and finally adopted on December 17, 2014.

2. After introduction, the bond ordinance was published as required by law on November 20, 2014 in The Hunterdon County Democrat.

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor on December 17, 2014 and was duly published as required by law on _____ in The Hunterdon County Democrat. No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this 18TH day of DECEMBER, 2014.

(SEAL)

KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Kay Winzenried, the Chief Financial Officer as of November 17, 2014, that such Supplemental Debt Statement was filed in my office on or by November 17, 2014 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on NOVEMBER 17_, 2014.

KAREN M. ROMANO,
Administrator/Clerk of the Borough of Lebanon

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that prior to the final adoption of the bond ordinance entitled, "**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PUMPER FIRE ENGINE, BY AND IN THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**", there was available as a down payment for the purposes authorized by said bond ordinance \$37,500 which was made available by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2014.

**KAY WINZENRIED,
Chief Financial Officer
of the Borough of Lebanon**

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
- Knoble 1
- Pittinger 1
- Schmidt 1

Ordinance approved by the Governing Body and presented to the Mayor on _____, 2014

Veto in Whole or Part:

Approved:

Michael Reino, Mayor
Date:

Michael Reino, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2014

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on November 17, 2014 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 December 17, 2014 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano,
Administrator/Clerk of the Borough of Lebanon

The motion passed by the following roll call vote:

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

ORDINANCE 2014-7 : INTRODUCTION

**GOVERN THE OPENING AND STREET EXCAVATION
OF ANY PUBLIC RIGHT OF WAY**

Councilman Knoble made a motion to introduce the Ordinance Governing the Opening and Street Excavation of any Public Right of Way with a second by Council President Burton.

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

**AN ORDINANCE OF THE BOROUGH OF LEBANON,
IN THE COUNTY OF HUNTERDON TO
GOVERN THE OPENING AND STREET EXCAVATION
OF ANY PUBLIC RIGHT OF WAY**

ORDINANCE NO. 2014-07

WHEREAS, local government is charged with controlling and maintaining public rights of way within municipalities, and therefore it is necessary to establish guidelines and procedures for any person, public or private utility, firm or corporation requesting permission to make any opening or excavation in the public right of way in the Borough of Lebanon, including but not limited to, any road, street, shoulder or bank area.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Lebanon, with the Approval of the Mayor, that there is hereby enacted an Ordinance to govern the opening and street excavation of any public right of way, as follows:

SECTION 1.

§ 1.0. Title.

This Article shall be known as and may be cited as the "Lebanon Borough Street Excavation Ordinance."

§ 2.0. Permit required.

No person, firm or corporation or public or private utility shall disturb the surface of or make any opening, cut, including a curb cut, or excavation of any kind in any road, street, alley, highway, sidewalk, shoulder or bank area or any other public way under the jurisdiction of the Borough of Lebanon (hereinafter "Borough"), including all streets and roads in private

developments not part of the Borough road system at the time of excavation but where it is contemplated that application will subsequently be made to have said streets and roads become part of the Borough road system, for any purpose without first having obtained a street opening permit as hereinafter provided. A permit shall not be required for any homeowner who undertakes the repairs of the sidewalk adjoining his or her property which repairs are either safety related or of an emergency nature.

§ 3.0. Emergency repairs.

In the event of emergency where repairs must be made immediately, after having first obtained concurrence and approval from the Borough Engineer, then, and in that event only, the excavation may be made for the purpose of alleviating the emergency. For the purpose of this section, "emergency" shall mean a condition or circumstance which involves immediate danger to life or property, or both, or which involves a possibility of interruption or curtailment of any service furnished to the public by a public or private utility. As soon as the emergency has been repaired, the person, public or private utility, firm or corporation having made the excavation shall forthwith apply for a permit within five (5) business days and comply with all the other applicable provisions of this Article. In emergency matters and in the absence of the Borough Clerk, a permit may be issued by the Mayor or a member of the Borough Council who is on the Streets and Roads Committee.

§ 4.0. Permit procedures.

Street excavation or street opening permits shall be obtained in the following manner:

- A. Any person, public or private utility, firm or corporation desiring a street opening permit shall pay the Application fee and estimated Borough engineering and inspection fee, and if required by the scope of the project, the estimated Lebanon Borough Sewerage Authority (hereinafter "LBSA") Engineering and inspection fee, and file with the Borough Clerk a signed application containing the following information:
- 1) Name, address, telephone number, facsimile number, and email address of the Applicant.
 - 2) Application form signed by the person, or in the case of a public or private utility, firm or corporation making the proposed street opening or excavation, by its authorized and responsible representative.
 - 3) The purpose for which the opening is to be made.
 - 4) A clear description of the location of the proposed opening, including the size, length, width and depth of the proposed opening.
 - 5) Four (4) copies of appropriate drawings which show existing facilities such as pavement, curbing, sidewalks, driveways, drainage and other utilities in the area; details for the proposed opening(s) and work to be done, including excavation plan and profile, and appropriate sections of the opening(s), and all applicable construction details.
 - 6) Estimated date of commencement of work and estimated project duration.
 - 7)

7) Written Indemnification Agreement to the Borough and LBSA in a form acceptable to the Borough Attorney.

- B. There shall be submitted to the Borough Clerk, with and as a part of the application, the appropriate insurance certificates and bond/surety documents. . Also, prior to the start of work on any trenching operations that will exceed 100 feet in length within any right-of-way under the jurisdiction of the Borough, the Permittee shall be required to have a preconstruction meeting with the Borough Engineer and the LBSA Engineer.
- C. Before the permit is approved, the application and drawings shall be forwarded to the Borough Engineer and the LBSA Engineer for review. The LBSA Engineer shall, upon satisfaction, sign off and return the permit to the Borough Engineer. The Borough Engineer shall then verify the engineering and inspection escrow fees to be paid in escrow, based on the schedule provided in section 5, paragraph F below. Once the appropriate payments have been verified, the Borough Engineer, upon satisfaction, shall sign off and return the application to the Borough Clerk, who may then issue the permit, subject to any approval comments or conditions

§ 5.0. Surety and Indemnity Obligations; Application Fees and Escrow.

Deleted: .

- A. The permittee, for itself and on behalf of their agents, servants, employees, contractors and subcontractors, or anyone, individual or corporate shall be solely liable and responsible for any and all damages, claims, costs and fees including legal fees arising out of any work conducted in the project area, the right of way, or outside the right of way including any adjoining public or private property that may have been damaged.

The permittee by accepting this permit and performing work thereunder agrees to hold the Borough of Lebanon, and the LBSA, their departments, agencies, boards, commissions, officers, officials, agents, servants, administrators, and employees harmless from any loss, injury or damage whatsoever (whether occurring in or adjacent to the project) resulting from actions taken in furtherance of the project for which the permit was issued, whether directly or indirectly connected with the work involved in the proposed street opening, or from any negligence or fault of the applicant, its agents, servants, representatives or contractors in connection with the performance of the work covered by the proposed street opening permit.

- B. Before the permit shall be issued by the Borough Clerk, the person, public or private utility (see also Section 19.0), firm or corporation making the application shall post and file with the Chief Financial Officer (CFO) a cash deposit or surety bond, in the amount of:
 - 1. For projects located within the right-of-way and within the shoulder of a road, outside the limits of pavement for a distance of less than 100 feet, in the minimum amount of two thousand dollars (\$2,000.00);

2. For projects located within the right-of way and within the paved portion of the roadway, either crossing the road or parallel for a distance of less than 100 feet, in an amount not less than five thousand dollars (\$5,000.00);
3. For more extensive trenching operations, as determined by the sole discretion of the Borough Engineer, in an amount equal to 120% of the estimated cost of saw cutting the pavement, backfilling, compaction and pavement trench restoration, based on an estimate prepared on behalf of the applicant and reviewed and approved by the Borough Engineer. A minimum of 10% of the performance surety for projects that fall under this category shall be in the form of cash or a certified check made payable to the Borough of Lebanon.

covering the opening or excavation set forth in the application and any and all future openings and excavations to be made in the calendar year. Said bond shall be conditioned upon the permittee's compliance with this Article and shall indemnify and be available to the Borough and LBSA, for any loss, liability or damage that may result or accrue from actions taken in furtherance of the project for which the permit was issued, or because of the making, existence or manner of constructing, guarding or protecting any such opening or excavation during the term of said bond.

- C. The person, public or private utility, firm or corporation making and signing the application and receiving a permit acknowledges and agrees to be bound by and shall comply with all the provisions of this Ordinance, which provisions are hereby made a part of and conditions of the permit.
- D. Any street opening that involves work on, or may interfere with, sanitary sewers or related appurtenances in any road, street, alley, highway, sidewalk or any other public way under the jurisdiction of the Borough of Lebanon shall first be approved, in writing, by the LBSA Engineer before the street opening permit can be issued by the Borough, except as may be provided under Section 3.0 – Emergency Repair.
- E. The application fee for such permit shall be one hundred dollars (\$100.00) per opening, per street address (each lot within a block). Such fee shall be due and payable at the time the application is made to the Borough Clerk.
- F. In addition to the application fee, the applicant will be responsible for reasonable engineering and inspection fees by the Borough Engineer and/or by the LBSA Engineer, which shall be posted and paid in escrow as set forth in the following schedule:
 - 1) Any opening area less than one hundred (100) square feet: two hundred fifty dollars (\$250.00).

- 2) Any opening area one hundred (100) square feet or greater: two hundred fifty dollars (\$250.00.), plus forty-five dollars (\$45.00) for each additional one hundred (100) square feet of opening area or part thereof.
 - 3) A three-foot width shall be used as a typical trench width for the purpose of determining the inspection fee only. Any project requiring a larger trench width (i.e. deep excavations, trench box, etc.) may require the use of a wider width for the purpose of determining the appropriate engineering and inspection fees.
 - 4) The permittee shall be advised of any anticipated shortage in the escrow account of engineering and inspection fees, and shall post and pay such additional fees in escrow and as determined by the Engineer before any further inspection shall be conducted or final approval granted.
 - 5) Separate escrow checks shall be posted and paid to the Lebanon Borough CFO (for the Borough) and Secretary of the LBSA (for the LBSA)
- G. Any trenching operations determined to have a potential impact on sanitary sewer facilities, in the sole discretion of the LBSA Engineer, as well as any trenching operations that will exceed 100 feet in length within any right-of-way under the jurisdiction of the Borough where sanitary sewer facilities exist will require engineering and inspection fees for both the Borough Engineer and the LBSA Engineer. Said engineering and inspection fees shall be calculated separately in accordance with, paragraph 5.F, above.
- H. The Permittee on any permit issued where the LBSA Engineer indicated that engineering and inspection fees by their office were not anticipated, but later found evident in and by field conditions to warrant review and inspection by the LBSA Engineer, agrees to pay such engineering and inspection fees in accordance with paragraph 5.F above.
- I. In the event that the above inspection fees do not cover the cost of the Borough Engineer's and or the LBSA Engineer's inspections, or where field conditions warranted inspection by the LBSA Engineer, the permittee agrees to pay the additional costs of inspections. Any bond posted shall not be released and no additional permits shall be issued to the permittee until all outstanding inspection fees are paid in full.

§ 6.0. Issuance and display of permit.

The Borough Clerk shall provide each permittee, at the time a permit is issued hereunder, a suitable placard upon which is written the following notice: "Borough of Lebanon, New Jersey, Permit No. _____ Expires: _____." It shall be the duty of any permittee to keep the placard, at the site and to the extent possible, posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of expiration of the permit.

§ 7.0. Compliance with terms of permit; bracing.

It shall be unlawful to make any opening or excavation in any way contrary to or at variance with the terms of the permit therefore. Proper bracing, shoring and protection of the street excavation shall be maintained in accordance with all applicable safety codes including but not limited to the Federal Department of Labor Occupational Safety and Health Administration's Standards (OSHA). No portion of the excavated area below the surface shall extend beyond the opening at the surface. Compliance with this Section shall be the sole responsibility of the person, public or private utility, firm or corporation making and signing the application.

§ 8.0. Disturbance of pipes, cables or conduits.

No injury shall be done to any pipes, cables or conduits in or about the project area, including adjoining public or private property, in the making of such excavations or openings, and notice shall be given to the persons maintaining any such pipes, cable or conduits which are or may be endangered or affected by the making of any such excavations or openings before such pipes, cables or conduits shall be disturbed. The permittee shall be responsible for repairing or replacing any pipes, cables or conduits damaged during the excavation process to the satisfaction of the owner of said facility. Any work required on any sanitary sewer facilities shall be in accordance with the LBSA standard details or as directed by the LBSA Engineer.

§ 9.0 Methods of work.

- A.** The area of pavement to be removed from the proposed opening or excavation shall have straight, clean-cut edges made by saw cutting only. Excavation in pavement areas shall only be permitted between the saw cut limits. Any rough, ragged or zig-zag pavement edges shall be cut out in a straight line as directed by the Borough Engineer. All material removed from the excavation shall be removed from the work site and disposed of in accordance with all applicable Municipal, State and Federal Regulations.
- B.** Upon completion of the proposed work in the excavated area, all excavations and trenches shall be backfilled with dense graded aggregate (DGA) in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest revision. The backfilling shall be made in layers not to exceed twelve (12) inches in depth and be thoroughly compacted and shall be carried to within seven (7) inches of the existing surface in pavement areas and within six (6) inches of the existing surface in landscaped areas.
- C.** Upon completion of the compacted backfilling of the trench to the required elevation, all trench restoration in paved areas shall be made in accordance with the "Typical Trench Details, Borough of Lebanon Road Openings," which is herewith made part of this Ordinance unless an alternate method is otherwise deemed appropriate by the Borough Engineer.
- D.** In areas where concrete pavement below the asphalt surface course is removed for the proposed excavation, the compacted backfill shall be completed as above to the subgrade of the existing concrete pavement and a compacted layer of Hot Mix Asphalt base course pavement, equal to the thickness of the concrete pavement shall be placed prior to placement of the surface course, which shall be in accordance with the "Typical Trench Details, Borough of Lebanon Road Openings.
- E.** All of the backfilling and repairing of the excavated area shall be done in a neat and workmanlike manner so that the restored pavement meets the existing surrounding pavement as smoothly as possible. All costs for backfilling and pavement restoration shall be borne by the permittee.

- F. In landscaped areas, topsoil shall be placed for a minimum depth of 6-inches and the disturbed area shall be restored to match the existing vegetation in place prior to the start of the excavation.
- G. All disturbed areas shall be completely restored, as applicable, within three (3) days of the date that backfilling is completed.

§ 10.0. Tunneling and undermining.

No part of a trench or excavation shall be tunneled or undermined, except in such cases as may be approved in advance by the Borough Engineer.

§ 11.0. Work done by Borough; expenses.

If the permittee fails to complete the excavation work covered by the permit, including backfilling and trench restoration as set forth in this Article, within the time set by said permit, the Borough and/or LBSA, under the advisement of the Borough Engineer and/or LBSA Engineer, shall have the right, but not necessarily the obligation, to do all work and things necessary to complete the excavation work and or restoration of the disturbed area. The permittee shall be liable for the actual cost thereof, plus twenty-five percent (25%) of such cost, in addition to general overhead and administrative expenses, and by accepting the permit, agrees to pay such costs and expenses, and any and all legal fees, costs and expenses incurred by the Borough and/or the LBSA to enforce this provision.

§ 12.0. Notice of new regulations; compliance.

Whenever the Mayor and Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Borough Clerk shall mail a written notice thereof to each person, firm or corporation owning any sewer main, conduit or other utility in or under said street. Such notice shall notify such persons, firms or corporations that no excavation permits shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the date of repaving or resurfacing of said street. Such notice shall also notify such person, firm or corporation that application for excavating permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit shall be completed as soon as practicable, and in no event later than the date specified in the permit for the excavation therefore. During the five-year moratorium period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency as described in this Article exists which makes it absolutely essential that the excavation permit be issued or such work is approved by the Borough Council. In the event of an emergency street opening, or other street opening approved by the Borough Council where the five (5) year moratorium is in effect, the finished pavement repair shall be constructed utilizing an approved infra-red patching process.

§ 13.0. Conduct of work; Protection of property.

Each permittee shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and shall promptly remove from the street all excess of excavated materials.

Each permittee shall be responsible to maintain and protect all of the permittee's work, the Borough's right-of-way, existing utilities and adjacent private property during the course of the street opening work. The permittee shall be responsible for any damages to such facilities resulting from the work performed under the permit. If property damage claims have been filed, or there exists reasonable evidence indicating probability of claims being filed, the cash deposit

or surety bond posted shall not be released. In the event the permittee fails to complete the work covered by the permit, including restoration of disturbed or damaged property outside of the right-of-way, the provisions of Section 11 shall be applicable.

§ 14.0. Safety provisions.

All persons, firms or corporations granted a permit to make an opening or excavation in the public streets and highways of the Borough shall at all times maintain suitable traffic control devices, barricades and guards, display proper warning and signals and flags and provide all necessary traffic control to prevent injury to any person or damage to any vehicle by reason of the work. All such traffic control devices and flagger procedures shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, (MUTCD). Streets and highways must be kept open for traffic at all times, except when otherwise ordered or approved by the Borough Engineer. Where deemed necessary by the Borough Engineer, all persons, firms or corporations granted a permit under this ordinance shall be required to utilize police traffic directors for maintenance and protection of traffic. Additionally, the use of police traffic control officers shall be required when any excavation or road opening is within any portion of, or within one-hundred (100) feet of an intersection of, the following streets:

Main Street, entire length

Cherry Street, entire length

Maple Street, during school hours

The cost of all traffic control devices and police traffic directors shall be borne by the permittee.

§ 15.0. Time limits; extensions.

No excavation shall be left open overnight, unless and under extraordinary circumstances approval is provided by the Borough Engineer. No street opening permit shall be issued pursuant to this Article for a period in excess of two (2) weeks, unless the Borough Engineer shall approve a greater period of time, either at the time of the application for the permit or subsequent thereto. If the Borough Engineer shall approve such a period of time at the time the application is submitted, it shall be so endorsed upon the application, and if approved subsequently, such approval shall be in writing and an endorsement to that effect attached to the placard required in Section 6.0 - Display of Permit. In any event, no such approval shall be granted except on written application, signed by the permittee or applicant, setting forth the reasons for such application.

§ 16.0. Filing of plans.

Users of subsurface street space shall file accurate drawings, plans and profiles showing the location and character of all existing underground structures and installations with the Borough Engineer and LBSA Engineer within two (2) years after enactment of this Article. Corrected maps shall be filed with the Borough Engineer and LBSA Engineer within sixty (60) days after new installations, changes or replacements are made.

§ 17.0. Insurance.

A permittee, prior to commencement of excavation work hereunder, shall furnish the Borough Clerk satisfactory evidence, in writing, that the permittee, or the contractor performing such work for the permittee, has in force and will maintain in force during the performance of the excavation work and the entire period of the excavation permit, public liability insurance, duly issued by an insurance company authorized to do business in the State of New Jersey of not less than the following:

- 1) Comprehensive general public liability insurance against claims for bodily injury, death and property damage, in an amount of not less than \$1,000,000.00, each occurrence and \$2,000,000 general aggregate
- 2) Comprehensive Automotive Liability Insurance against claims for bodily injury, death or property damage in combined single limit amount of not less than \$1,000,000, each incident
- 3) Property damage insurance of not less than five hundred thousand dollars (\$500,000.); and
- 4) Worker's Compensation Insurance coverage of all of Contractor's employees employed at the work site, except as relative to New Jersey Public or private utility Corporations

All liability insurance referred to above shall include the Borough of Lebanon and the LBSA, their departments, agencies, boards, commissions, officers, officials, agents, servants, administrators, and employees as additional insureds on a primary and non-contributory basis.

§ 18.0. Inspections and supervision.

The Borough Engineer shall verify the extent of the excavation or opening and shall observe and inspect the work. In the case of any work performed in connection with sanitary sewer facilities, the LBSA personnel shall observe and inspect the work related to the sanitary sewer appurtenances. Similarly, any work performed on any utility line or facility shall be subject to the approval of the appropriate utility owner. No bond or deposit money, as the case may be, shall be released until eighteen (18) months after the completion of the project and receipt of written certification from the Borough Engineer and/or LBSA Engineer stating that the work has remained in a satisfactory condition for said eighteen (18) months.

§ 19.0. Public or private utility corporate bond.

Public or private utility corporations of the State of New Jersey may file a corporate bond on a yearly basis in an amount of ten thousand dollars (\$10,000.00) in lieu of cash deposits or surety bonds. Said bond shall be applicable only for projects located within the right-of-way of a road for a distance of less than 200 feet. For more extensive trenching operations, as determined by the sole discretion of the Borough Engineer, the provisions of Section 5 paragraph B.3 shall govern. Said bond shall also be conditioned upon compliance with the provisions of Section 9.0 hereof.

§ 20.0. Interpretation of provisions; liability.

This Article shall not be construed or interpreted as imposing upon the Borough or LBSA, or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Borough or LBSA or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 21.0. Violations and penalties.

Any person, firm or corporation who is found to be in violation of the provisions of this Ordinance shall be subject to a penalty in accordance with General Penalties provision of the Revised Ordinances of the Borough of Lebanon (Ordinance #2010-4). Each day in which a violation exists shall be considered to be a separate offense

SECTION TWO: The existing Street Opening Ordinance, Article I Excavations, adopted on 12-3-69, as well as Ordinance #78-2, #86-8, #87-11 and #89-02 are hereby repealed and replaced by this Ordinance upon its adoption and publication.

SECTION THREE: In 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 FOUR: Effective date. This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Michael Reino, Mayor

Karen M. Romano
Borough Administrator/Clerk

Vote after public hearing and upon final adoption:

Berger 1 Ordinance approved by the Governing Body and presented
Burton 1 to the Mayor on _____, 2014
Junge 1
Knoble 1
Pittinger 1
Schmidt 1

Veto in Whole or Part:

Approved:

Michael Reino, Mayor
Date:

Michael Reino, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2014

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on November 17, 2014 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 December 17, 2014 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #105 -2014:

Council President Burton made a motion to approve Resolution #105 -2014 with a second by Councilwoman Schmidt.

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

RESOLUTION # 105-2014

WHEREAS, the Capital Budget of the Borough of Lebanon was approved on May 21, 2014 and

WHEREAS, it has been determined that said Capital Budget must be amended due to a change in Municipal priorities

NOW, THEREFORE BE IT RESOLVED that the following amendment to the Capital Budget of the Borough of Lebanon is hereby authorized.

**CAPITAL BUDGET
Local Unit Borough of Lebanon**

Project	Estimated Cost Total	Planned Funding Service for Current Year 2014			
		Capital Improvement	Debt Authorized	Budget Appropriations	Other Fund
Acquisition of Fire Truck	\$750,000	\$37,500	\$712,500		
Total All Projects Revised	\$1,037,495	\$37,500	\$712,500	\$10,000	\$277,495

**3-YEAR CAPITAL PROGRAM 2014-2016
ANTICIPATED PROJECT SCHEDULE
AND FUNDING REQUIREMENT**

Project	Estimated	Estimated	Budget Year	Funding Amounts Per Year

	<u>Total Cost</u>	<u>Completion Time</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Acquisition of Public Safety Equipment	\$750,000	1 year	\$750,000		
	\$1,037,495		\$1,037,495		

**3 YEAR CAPITAL PROGRAM 2014-2016
SUMMARY OF ANTICIPATED FUNDING
SOURCES AND AMOUNTS**

<u>Bonds and Project</u>	<u>Estimated Total Cost</u>	<u>Budget Current Year 2014</u>	<u>Appropriations Future Years</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants In Aid and Other Funds</u>	<u>Notes</u>
Acquisition of Safety Public Equipment	\$750,000			\$37,500		\$712,500	
Total All Projects-Revised	\$1,037,495	\$10,000-	\$0	\$62,144	\$0	\$135,000	\$830,35

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the Governing Body on the 17th day of November, 2014.

Certified by me

Municipal Clerk Date

Trenton, New Jersey

Approved _____

Director of Local Government Services

Introduced and adopted November 17, 2014:

Ayes: 6
Nays: 0

Absent: 0 Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the November 17, 2014 force and effect as of the date I have subscribed my signature.

Date: November 17, 2014

Karen M. Romano, RMC

Borough Administrator/Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #106 -2014:

Council President Burton made a motion to approve Resolution #106 -2014 with a second by Councilman Junge.

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

RESOLUTION # 106 - 2014

**RESOLUTION OF THE BOROUGH OF LEBANON
IN THE COUNTY OF HUNTERDON, NEW JERSEY
DIRECTING THE UNDERTAKING OF A
CONTINUING DISCLOSURE REVIEW AND
AUTHORIZING PARTICIPATION IN THE
"MUNICIPALITIES CONTINUING DISCLOSURE
COOPERATION" INITIATIVE OF THE DIVISION
OF ENFORCEMENT OF THE U.S. SECURITIES
EXCHANGE COMMISSION**

WHEREAS, the Borough of Lebanon in the County of Hunterdon, New Jersey (the "Issuer") has previously issued one or more series of bonds and or notes, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

WHEREAS, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), including, but not limited to, audited financial statements, budgets, other financial and operating data and ratings changes; and

WHEREAS, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC"), a limited-time program ending at 12:00 a.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept certain non-monetary penalties, in lieu of unknown, and, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the MCDC, should the SEC determine that an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept the following penalties, if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings; (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

WHEREAS, the Issuer desires to conduct a disclosure review which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Review"); and

WHEREAS, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Review; and

WHEREAS, based on the results of the Disclosure Review, and weighing the known, non-monetary penalties that may come through the Issuer's participation in the MCDC versus the unknown, and, by all 'accounts, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the MCDC, as necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:

Section 1. The Issuer hereby authorizes completion of the Disclosure Review.

Section 2. The Issuer hereby authorizes the Chief Financial Officer to engage the services of a disclosure specialist to complete the Disclosure Review; provided that the award of any contract in connection therewith meets the requirements of Issuer's applicable public contracting laws.

Section 3. In the event the Disclosure Review reveals that the Issuer may have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the MCDC.

Section 4. Any action taken by the Chief Financial Officer, or any other officer of the Issuer, with respect to the Disclosure Review, the engagement of a disclosure specialist and participation in the MCDC is hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent: 0

Richard J Burton
Borough Council President

ATTEST:

Karen M. Romano
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 November 17, 2014 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: November 17, 2014

Karen M. Romano
Borough Administrator/ Clerk

The motion passed by the following roll call vote:

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

RESOLUTION #107 -2014:
Council President Burton made a motion to approve Resolution #107 -2014 with a second by Councilman Knoble.

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

RESOLUTION # 107-2014

Myrtle Avenue Improvements

WHEREAS, the Borough of Lebanon has entered into a contract with Jads Construction Company for the construction of certain drainage and roadway improvements to Myrtle Avenue, pursuant to Resolution of Award # 55-2014, and

WHEREAS, the improvements have been constructed and the Borough Engineer has recommended approval of Change Order No. 1 (Final Quantities Change Order), which adjusts estimated quantities to final quantities.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that the contract awarded to Jads Construction Company in the amount of \$203,594.00 be reduced \$16,462.35, which represents an 8.09% decrease, to \$187,131.65 in accordance with Change Order No. 1 (Final).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute Change Order No. 1 (Final).

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent:

Richard J Burton

Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/ Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #108 -2014:

Council President Burton made a motion to approve Resolution #108 -2014 with a second by Councilwoman Schmidt.

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

RESOLUTION # 108 -2014

**AUTHORIZING REFUND OF ESCROW
Woodmont Industrial Partners**

WHEREAS, The Developer Woodmont Industrial Partners, has requested a release of their inspection escrow.

WHEREAS, upon review of the construction status and associated paperwork, the Borough Engineer has found that work has been performed in accordance with the approved plans and has recommended the release of the escrow.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, the CFO is authorized to return escrow for inspection fees in the amount of \$\$7,819.52 to Woodmont Industrial Partners.

Introduced and adopted: November 17, 2014

Ayes: 6

Nays: 0

Absent:0

Richard J Burton
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 November 17, 2014 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: November 17, 2014

Karen M. Romano, RMC
Lebanon Borough Administrator/ Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #109 -2014:

Council President Burton made a motion to approve Resolution #109 -2014 with a second by Councilman Schmidt.

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

RESOLUTION # 109-2014

**AUTHORIZING RELEASE OF A CASH BOND AND POST A TWO YEAR
MAINTENANCE GUARANTEE, REFUND OF REVIEW ESCROW
AND REDUCE THE INSPECTION ESCROW TO \$500.00
GLEN T. AND LORRAINE CUTSHAW**

WHEREAS, The Developer Glen T & Lorraine C. Cutshaw, pursuant to Engineer Brightly's letter of October 15, 2014 have requested a release of the performance guarantee posted for the above referenced project and replace it with a two year maintenance guarantee in the amount of \$25,200.00.

WHEREAS, upon review of the construction status and associated paperwork, the Borough Engineer has found that work has been performed in accordance with the approved plans and has

recommended the release of the bond as authorized in resolution #75-2014 of the Lebanon Borough on June 18, 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, the CFO is authorized to return \$2,889.05 of the cash bond, escrow for review fees in the amount of \$1,123.98 and reduce the escrow inspection account to \$500.00 to Glen T & Lorraine C. Cutshaw.

Introduced and adopted: November 17, 2014

Ayes: 6

Nays: 0

Absent: 0

Richard J Burton
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 November 17, 2014 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: November 17, 2014

Karen M. Romano, RMC
Lebanon Borough Administrator/Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #110 -2014:

Council President Burton made a motion to approve Resolution #110 -2014 with a second by Councilman Schmidt.

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

RESOLUTION # 110-2014

**A RESOLUTION CONSENTING TO THE PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

ENTITLED "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)"

WHEREAS, the Board of Chosen Freeholders of Hunterdon County desires to provide for the orderly development of wastewater facilities within Hunterdon County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 20, 2014 for the above Amendment has been prepared by the Hunterdon County Planning Department;

NOW, THEREFORE, BE IT RESOLVED on this 17th day of November, 2014 by the governing body of the Borough of Lebanon that:

1. The Borough of Lebanon hereby consents to the amendment entitled "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)", and publicly noticed on October 20 2014, prepared by the Hunterdon County Planning Department, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

Introduced and adopted: November 17, 2014

Ayes: 6

Nays: 0

Absent:0

Richard J Burton
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 November 17, 2014 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: November 17, 2014

Karen M. Romano, RMC
Lebanon Borough Administrator/Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #111 -2014:

Council President Burton made a motion to approve Resolution #111 -2014 with a second by Councilman Schmidt.

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

**RESOLUTION #111 - 2014
Foran & Associates**

WHEREAS, the governing body has expressed a desire to perform Maintenance Upgrades at 96 Main Street, working in conjunction with its Buildings and Grounds Committee and the Clerk-of-the-Works on the Maintenance project; and

WHEREAS, the governing body rescinds resolutions 98-2014 D and A Demo and 99-2014 A-1 Construction for neither party is able to perform the desired agreed upon scope of work; and

WHEREAS, a need has arisen engaged a demolition contractor, to commence the project, or emergent tasks which must be accomplished in a timely manner so as to not delay the project; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the Maintenance Upgrades at 96 Main Street project that the Clerk-of-the-Works recommends engagement of Foran & Associates to perform specific demolition, construction and associated “general construction” services in accordance with a confirming memo by David G. Tillou dated November 2, 2014, for a sum of \$12,500.00 has been approved.

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent:

Richard J Burton
Borough Council President

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #112 -2014:

Council President Burton made a motion to approve Resolution #112 -2014 with a second by Councilman Schmidt.

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

**RESOLUTION # 112- 2014
Lowe’s, no. 2**

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

WHEREAS, a need has arisen during construction necessitated because of a desire by the Council to upgrade specific modifications or inclusion of additional features to enhance the completed project, or emergent tasks which must be accomplished in a timely manner so as to not delay the close out process; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the 96 Main Street upgrade project that the Buildings & Grounds Committee recommends engagement of Lowe’s to furnish specific material for a sum of approximately \$3,000.00 for miscellaneous material that will be necessary during the project.

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent:

Richard J Burton
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/ 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 November 17, 2014 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: November 17, 2014

Karen M. Romano
Borough Administrator/ Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #113-2014:

Council President Burton made a motion to approve Resolution #113-2014 with a second by Councilman Schmidt.

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

**RESOLUTION # 113- 2014
Clem's Ornamental Iron Works, Inc.**

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

WHEREAS, a need has arisen during construction necessitated because of a desire by the Council to upgrade specific modifications or inclusion of additional features to enhance the completed project, or emergent tasks which must be accomplished in a timely manner so as to not delay the close out process; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the 96 Main Street upgrade project that the Buildings & Grounds Committee

recommends engagement of Clem's Ornamental Iron Works, Inc. of Piscataway, NJ to furnish exterior aluminum railings for a sum not-to-exceed \$926.00 as per their proposal dated November 12, 2014.

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent:

Richard J Burton

Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator /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 November 17, 2014 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: November 17, 2014

Karen M. Romano
Borough Administrator / Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

RESOLUTION #114 -2014:

Council President Burton made a motion to approve Resolution #114 -2014 with a second by Councilman Schmidt.

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

**RESOLUTION # 114 - 2014
Standard Tile**

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

WHEREAS, a need has arisen during construction necessitated because of a desire by the Council to upgrade specific modifications or inclusion of additional features to enhance the completed project, or emergent tasks which must be accomplished in a timely manner so as to not delay the close out process; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the 96 Main Street upgrade project that the Buildings & Grounds Committee recommends engagement of Standard Tile of Edison, NJ to furnish specific tile material including ceramic tile and an "Hardie Backer" underlayment for a sum not-to-exceed \$3,200.00 as discussed.

Introduced and adopted: November 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent:

Richard J Burton
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator /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 November 17, 2014 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: November 17, 2014

Karen M. Romano
Borough Administrator/ Clerk

The motion passed by the following roll call vote:

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

NO: None

ABSTAIN: None

ABSENT:

OPEN PUBLIC SESSION :

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

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT:

DISCUSSION:

COUNCIL COMMITTEES:

MISCELLANEOUS:

ADJOURNMENT:

Councilwoman Schmidt moved and Councilman Knoble seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 8:15 PM by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk





























