



**LEBANON BOROUGH COMMON COUNCIL
MINUTES
December 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, and Councilman Junge

Absent: Councilman Pittinger

Also Present: Attorney Novak, Clerk Karen M. Romano

MOMENT OF SILENCE:

Mayor Reino stated a total of 8259 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
December 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. Local Finance Notice 2015 Budget
2. Finance Report October and November
3. Assessor report November and December

Introduced and adopted December 17, 2014:

Ayes: 5
Nays: 0
Absent: 1

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 December 17, 2014 force and effect as of the date I have subscribed my signature.

Date: December 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, and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

APPROVAL OF MINUTES:

Councilman Knoble made a motion to accept the Regular Meeting Minutes of November 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, and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

APPROVAL OF EXPENDITURES:

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

Report Printed 2014-12-17 16:09:23 Lebanon Borough

Vendor	Description	Payment	Check Total
(List of Bills - (All Funds))			
Current Fund			
555 - A. PATULLO POWER WASH INC.	PO 6389 2014 LEAF PICK UP WEEK OF 12-10-14	2,108.16	2,108.16
281 - BONNIE SCHMIDT	PO 6399 REIMBURSE FOR NJLDM CONVENTION EXPE	159.22	159.22
534 - CEDAR RIDGE LAWN MAINTENANCE, LLC	PO 6400 SNOW REMOVAL SVCS, INV 14-10 2/9-2/	2,057.50	2,057.50
202 - CENTURVLYNK	PO 6437 TELEPHONE SERVICE, ACCT 310227467/3	338.17	338.17
247 - COMCAST	PO 6403 TELEPHONE SVC, ACCT 01729236295016	296.81	296.81
652 - CONSTELLATION NEMENERGY INC	PO 6401 STREET LIGHTING, ID 1-DHUS09/J1-DHUC	131.80	131.80
652 - CONSTELLATION NEMENERGY INC	PO 6402 ELECTRIC SVC, CUSTOMER 1-DHUS09	539.69	539.69
566 - DAVID G. TILLOU	PO 6446 LABOR TO INSTALL SUBFLOORING & TILE	900.00	900.00
39 - ELLIABETHTOWN GAS	PO 6404 NATURAL GAS SVC, ACCT 6822385611	348.69	348.69
46 - FERRIERO ENGINEERING	PO 6442 NOVEMBER 2014- LOCAL AID APPLICATION	29.15	29.15
46 - FERRIERO ENGINEERING	PO 6443 NOVEMBER 2014- ROAD OPENING ORDINAN	988.13	988.13
46 - FERRIERO ENGINEERING	PO 6444 NOVEMBER 2014-MYRTLE AVE IMPROVEMEN	183.13	183.13
425 - FORAN & ASSOCIATES	PO 6394 GENERAL CONSTRUCTION SERVICES 96 MA	4,564.00	4,564.00
425 - FORAN & ASSOCIATES	PO 6406 OIL TANK REMOVAL ON 96 MAIN ST. BLD	525.00	525.00
425 - FORAN & ASSOCIATES	PO 6438 GENERAL CONSTRUCTION SERVICES 96 MA	519.56	519.56
153 - HOME DEPOT CREDIT SVCS	PO 6436 MAILBOX & SHELVING	529.76	529.76
54 - NJN PUBLISHING	PO 6407 LEGAL ADS, ACCT 1160904	28.35	28.35
16 - JCP&L	PO 6408 ELECTRIC SVC, FOR ACCT 200000052726	414.20	414.20
16 - JCP&L	PO 6409 STREET LIGHTING, ACCT 100002994182/	720.29	720.29
16 - JCP&L	PO 6410 ELECTRIC SVC, ACCT 100064143532/140	177.50	177.50

16 - JCP&L	PO 6449	ELECTRIC SVC, ACCT 100064143512/140	192.65	192.65
597 - JERSEY ELEVATOR	PO 6447	ELEVATOR MAINTENANCE, account # 548	135.00	135.00
264 - JOSEPH S. NOVAK	PO 6000	MONTHLY LEGAL SERVICE FOR DECEMBER	3,208.00	3,208.00
167 - KAREN ROMANO	PO 5993	CELL PHONE REIMBURSEMENT, DECEMBER	100.00	100.00
167 - KAREN ROMANO	PO 6411	REIMBURSE FOR EXPENSES	1,448.78	1,448.78
167 - KAREN ROMANO	PO 6429	EYE CARE REIMBURSEMENT-BAL OF 2013	285.60	285.60
104 - KAY WIMMERHED	PO 6412	REIMBURSE FOR CERTIFICATION RENEWAL	50.00	50.00
559 - LANEA & LANEA, LLLP	PO 6413	LEBANON BORO V.P.M. BRENDAN CONTRAC	208.00	208.00
666 - MARYANN SACORN	PO 6439	REIMBURSEMENT OF DAMAGE TO SILVER M	410.00	410.00
253 - NEW JERSEY STATE POLICE	PO 6414	STATE POLICE SERVICES FOR OCTOBER 2	2,099.76	2,099.76
513 - RAYCHEX OF NEW YORK LLC	PO 6445	PAYROLL SERVICE FOR 11/30/2014, 12/	370.66	370.66
68 - ROLAND SPRING WATER CO	PO 6415	BOTTLED WATER SVC FOR 10/17-11/16/2	40.07	40.07
28 - PREMIER DISPOSAL, INC	PO 6386	TRASH REMOVAL SVC FOR NOVEMBER 2014	4,576.00	4,576.00
20 - QUILL CORPORATION	PO 6436	OFFICE SUPPLIES, ACCT C671593	500.83	500.83
6 - RICHARD M. CONLEY, LLC	PO 6417	LEGAL SERVICES FOR OCTOBER 2014	852.60	852.60
646 - ROBERT WALKER PLUMBING & HEATING IN	PO 6418	96 MAIN ST. PLUMBING WORK	188.26	188.26
664 - STANDARD TILE EDISON-CORP.	PO 6425	TILE FOR 96 MAIN ST	2,918.60	2,918.60
231 - STORM WATER COMPLIANCE SOLUTIONS LL	PO 6419	JET VAC TRUCK/SEIMENT DISPOSAL, INV	365.00	365.00
390 - TELE-DATA SOLUTIONS	PO 6420	PHONE MAINTENANCE CONTRACT, 12/8-1/	98.33	98.33
633 - TREASURER - STATE OF NJ	PO 6391	RFC REGISTRATION RENEWAL FEE, CUST	397.00	397.00
522 - TREASURER, STATE OF NJ	PO 6421	ANNUAL ELEVATOR INSPECTION FEE, REG	409.00	409.00
348 - WALL ENERGY SERVICES, LLC	PO 6088	MAINTENANCE CONTRACT FOR DECEMBER 2	308.00	308.00
613 - VITO & DORIS ESPOSITO	PO 5644	2013 TAX REFUND	1,466.10	1,466.10
192 - WALMART BUSINESS	PO 6423	RECREATION SUPPLIES, ACCT 6032202	271.34	271.34
27 - WASTE MANAGEMENT OF NJ INC	PO 6424	WASTE REMOVAL SVC FOR NOVEMBER 2014	3,642.40	3,642.40
241 - WILLIAM SHURTS, ESQ	PO 6441	September 2014-ROAD OPENING ORDINAN	420.00	420.00
533 - ALL STAR PRODUCTIONS	PO 6397	SENIORS ST. PATRICKS DAY CELEBRATIO	100.00	100.00
400 - MARY ANN BADORE	PO 6435	HOLIDAY LUNCHEON 12-10-14	35.95	35.95
2 - MGL FORMS-SYSTEMS, LLC	PO 6217	DOG TAG ORDER FOR 2014	286.00	286.00
321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 6448	MONTHLY DOG LICENSE REPORT FOR NOV	8.40	8.40
663 - TRIPLE D TRAVEL	PO 6422	TRANSPORTATION DEPOSIT FOR SENIOR T	100.00	100.00
653 - JADE CONSTRUCTION	PO 6405	WITTLE AVENUE ROAD IMPROVEMENTS, ES	15,956.29	15,956.29
46 - FERRIERO ENGINEERING	PO 6433	NOVEMBER 2014 ROLLIN FAST	1,275.48	1,275.48
46 - FERRIERO ENGINEERING	PO 6440	ROAD OPENING PERMITS & INSPECTIONS,	31.88	31.88
239 - FRET SCIENTIFIC	PO 6176	ENGINEERING SVCS FOR TOWN OF CLINTO	1,707.00	1,707.00
241 - WILLIAM SHURTS, ESQ	PO 6430	NOVEMBER 2014 LISA DEROLE	135.00	135.00
241 - WILLIAM SHURTS, ESQ	PO 6431	NOVEMBER 2014-METROPOLITAN SEAFOOD	255.00	255.00
241 - WILLIAM SHURTS, ESQ	PO 6432	NOVEMBER 2014 ROLLIN FAST	1,095.00	1,095.00
TOTAL				61,507.09
Total to be paid from Fund 01 Current Fund		40,521.09		
Total to be paid from Fund 03 TRUST FUNDS		530.35		
Total to be paid from Fund 04 GENERAL CAPITAL FUND		15,956.29		
Total to be paid from Fund 14 DEVELOPERS ESCROW		4,499.36		
		61,507.09		
Checks Previously Disbursed				
99999 LEBANON BOROUGH PAYROLL	PAYROLL 12/15/14	11,336.70	12/15/2014	
99999 NJ STATE HEALTH BENEFITS PLAN	November 2014	3,551.21	12/15/2014	
371 BEAVER BROOK COUNTRY CLUB	PO# 6398 SENIOR CHRISTMAS LUNCHEON	869.34	12/08/2014	
370 DEJESUS INSPIRES	PO# 6428 HOLIDAY MUSIC PERFORMANCE FOR SENI	300.00	12/05/2014	
99999 BOROUGH OF LEBANON-EMAIL SERVICE	PO# 6427 EMAIL SERVICE 11/30/14	136.00	12/08/2014	
99999 ORIENTAL TRADING CO, INC	PO# 6426 SANTA AND SNOWMAN GIFT BAGS	21.98	12/08/2014	
99999 LEBANON BOROUGH PAYROLL	PAYROLL 11/26/14	9,844.83	11/26/2014	
8629 GFOA OF NEW JERSEY	PO# 5756 2014 MEMBERSHIP DUES FOR K. WINZEN	90.00	11/18/2014	
Total paid from Fund 01 Current Fund		24,980.72		
Total paid from Fund 03 TRUST FUNDS		1,169.34		
		26,150.06		

Total for this Bills List: 87,657.15

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

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 56 Brunswick 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 Knoble, and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

ORDINANCE 2014-6 : ADOPTION

**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.

**INTRODUCTION 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 None

Appropriated:

**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 Appropriated: None

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: Burton, Berger, Knoble, Schmidt, Junge and Pittinger

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 November, 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: Burton, Berger, Knoble, Schmidt, Junge

Absent: 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 January 29, 2015 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 day of December 18, 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 0
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

**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**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 17th day of November 2014, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of December, 2014 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Administrator/ Clerk

**INTRODUCED: November 17, 2014
ADOPTED: December 17, 2014**

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 2014-7 : ADOPTION

**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) 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 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 0
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

**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

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 17th day of November 2014, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of December, 2014 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: November 17, 2014
ADOPTED: December 17, 2014

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

RESOLUTION #116 -2014:

Council President Burton made a motion to approve Resolution #116 -2014 with a second by Councilwoman Schmidt.

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

RESOLUTION #116-2014

BANKING OF ALLOCATED FUNDS FROM HUNTERDON COUNTY OPEN SPACE TRUST FOR FISCAL YEAR 2014

WHEREAS, the County of Hunterdon has established the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund and has made municipal grant funding available to each municipality; and

WHEREAS, the funds available to the Borough of Lebanon for Fiscal year 2014 are \$ 8,160.22

NOW, THEREFORE, BE IT RESOLVED by the Borough of Lebanon that the County of Hunterdon is requested to reserve and bank the allotment for Fiscal Year 2014.

Introduced and adopted: December 17, 2014

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Richard J Burton,

Borough Council President

ATTEST:

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on December 17, 2014.

Karen Romano
Borough Administrator/Clerk

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

RESOLUTION #117 -2014:

Council President Burton made a motion to approve Resolution #117 -2014 with a second by Councilman Junge.

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

RESOLUTION #118-2014

WHEREAS, the Shade Tree Committee has authorized reimbursement of \$410.00 to Maryann Bacorn for tree repair of a Borough Shade Tree at 68 Brunswick Ave and;

BE IT RESOLVED, by the Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey that the CFO is hereby authorized to make the following refund of \$410.00.

NAME/ADDRESS	AMOUNT
Maryann Bacorn 68 Brunswick Ave	\$410.00

Introduced and adopted: December 17, 2014
Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Richard Burton, Borough Council President

ATTEST:

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on December 17, 2014.

Karen Romano
Administrator/Clerk

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

RESOLUTION #118 -2014:

Council President Burton made a motion to approve Resolution #118 -2014 with a second by Councilman Junge.

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

RESOLUTION # 118-2014

BE IT RESOLVED, by the Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey that the CFO is hereby authorized to make the following cancellations of tax.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
2013	13.01	1107	4,598.05	100% Disabled Veteran
2013	13.02	53	82.52	
2014	2	4.03	936.50	

Cancel tax sale certificate # 1990-03 for Block 2 Lot 4 in the amount of \$8,151.89.

Cancel amount due to lien holder. \$48.83.

Refund taxes paid

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
2013	13.01	1107	1466.10

Introduced and adopted: December 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 5

Nays:

Absent: 1

ATTEST:

Richard Burton, Borough Council President

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on December 17, 2014

Karen Romano
Borough Administrator/ Clerk

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

RESOLUTION #119 -2014:

Council President Burton made a motion to approve Resolution #119 -2014 with a second by Councilman Junge.

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

RESOLUTION #119 -2014

<u>Account</u>	<u>Description</u>	<u>From</u>	<u>To</u>
01-201-25-240-200,PUBLIC SAFETY - OTHER EXPENSE		20,000.00	
01-201-21-190-200,FAIR HOUSING PLAN,			500.00
01-201-23-210-200,OTHER INSURANCE,			200.00
01-201-26-310-200,BUILDINGS AND GROUNDS - OTHER EXPENSE,			5,000.00
01-201-26-313-020,SHADE TREE-OTHER EXPENSES,			300.00
01-201-21-180-200,ENVIRONMENTAL-OTHER EXPENSE		1,250.00	
01-201-36-471-200,PUBLIC EMPLOYEES RETIREMENT SYSTEM,			205.00
01-201-20-100-010,GENERAL ADMINISTRATION - REGULAR SALARIE,		17,045.00	
01-201-26-280-010,PUBLIC WORKS SALARY & WAGES,		2,000.00	
01-201-26-280-200,PUBLIC WORKS-OTHER EXPENSE,			<u>2,000.00</u>
01-201-28-370-010,RECREATION SALARIES		<u>2,000.00</u>	
TOTAL		25,250.00	25,250.00

Introduced and adopted: December 17, 2014.

LEBANON BOROUGH COUNCIL

Ayes: 5

Nays:

Absent: 1

ATTEST:

Richard Burton, Borough Council President

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on December 17, 2014.

Karen Romano
Administrator/Clerk

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

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:

Reorganization January 5, 2015 7:30 pm

COUNCIL COMMITTEES:

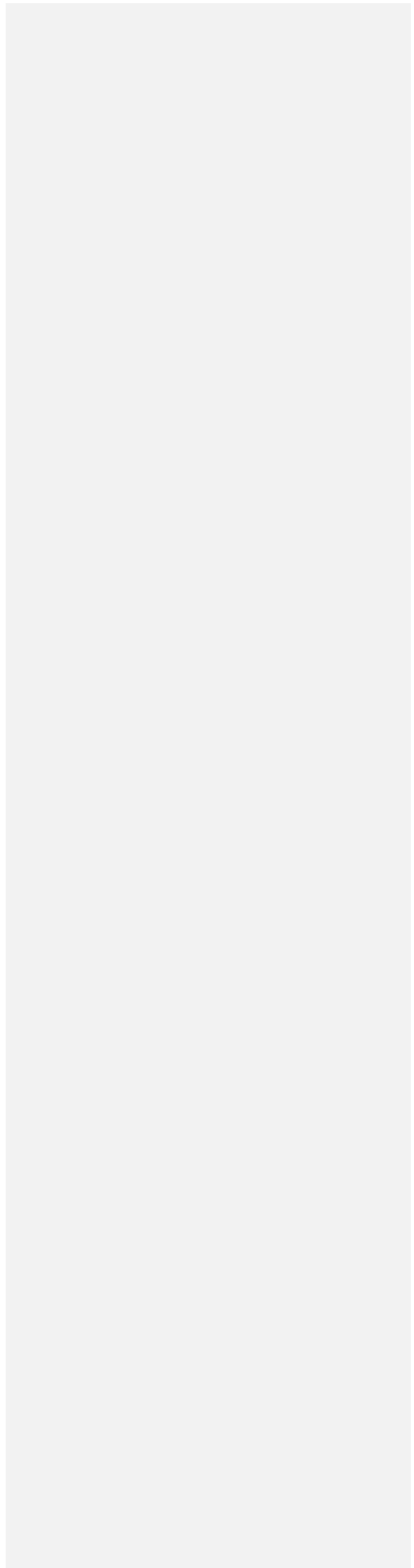
MISCELLANEOUS:

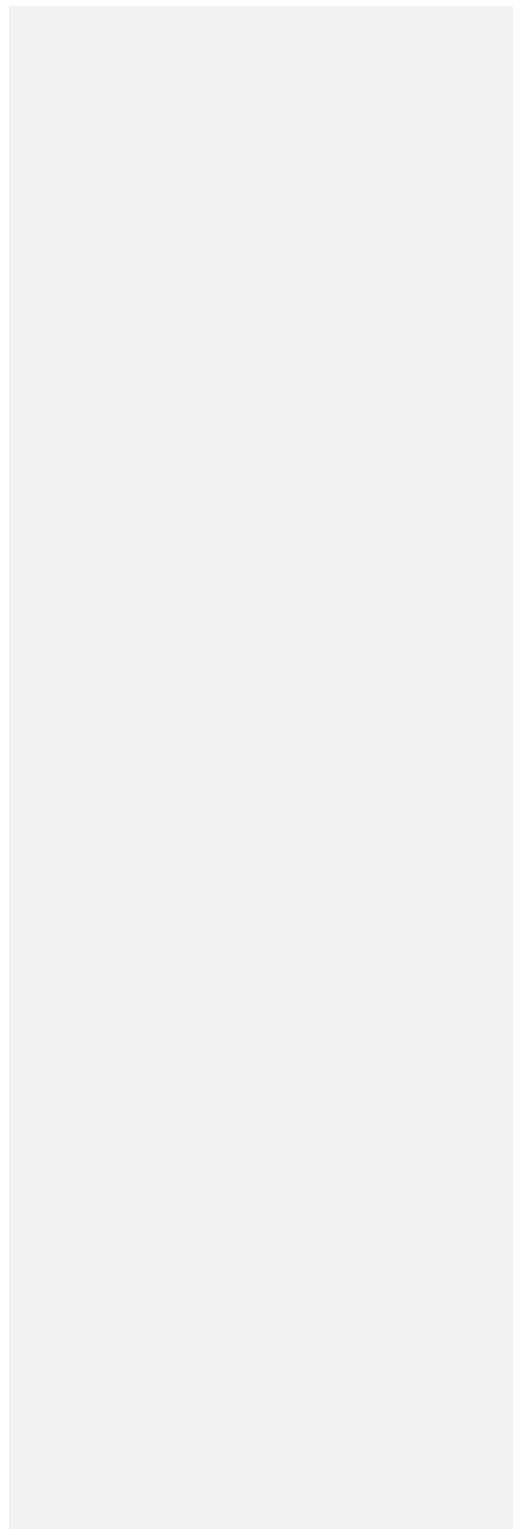
ADJOURNMENT:

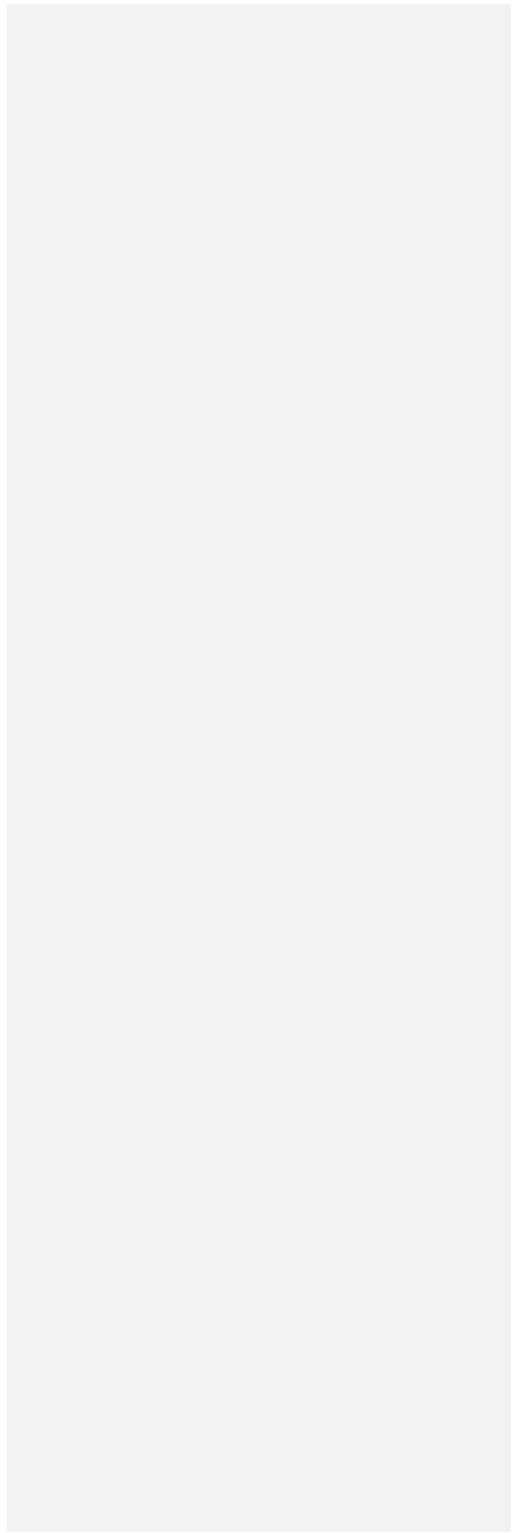
Councilwoman Schmidt moved and Councilman Knoble seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 8:15 PM by unanimous vote.

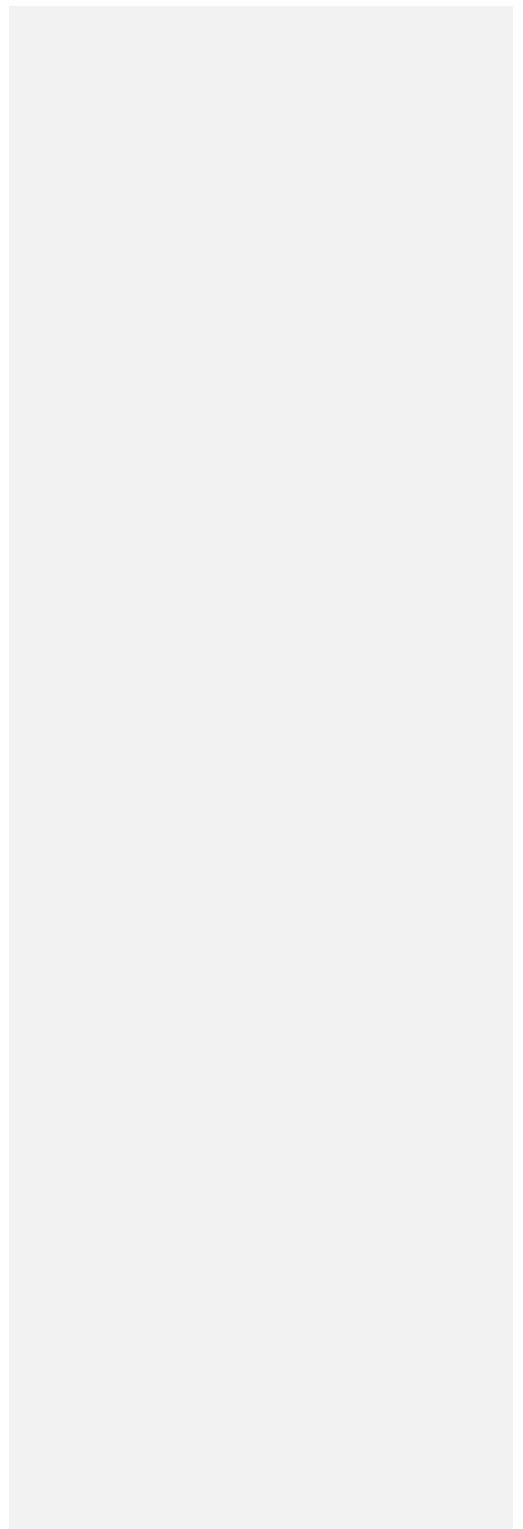
Respectfully Submitted

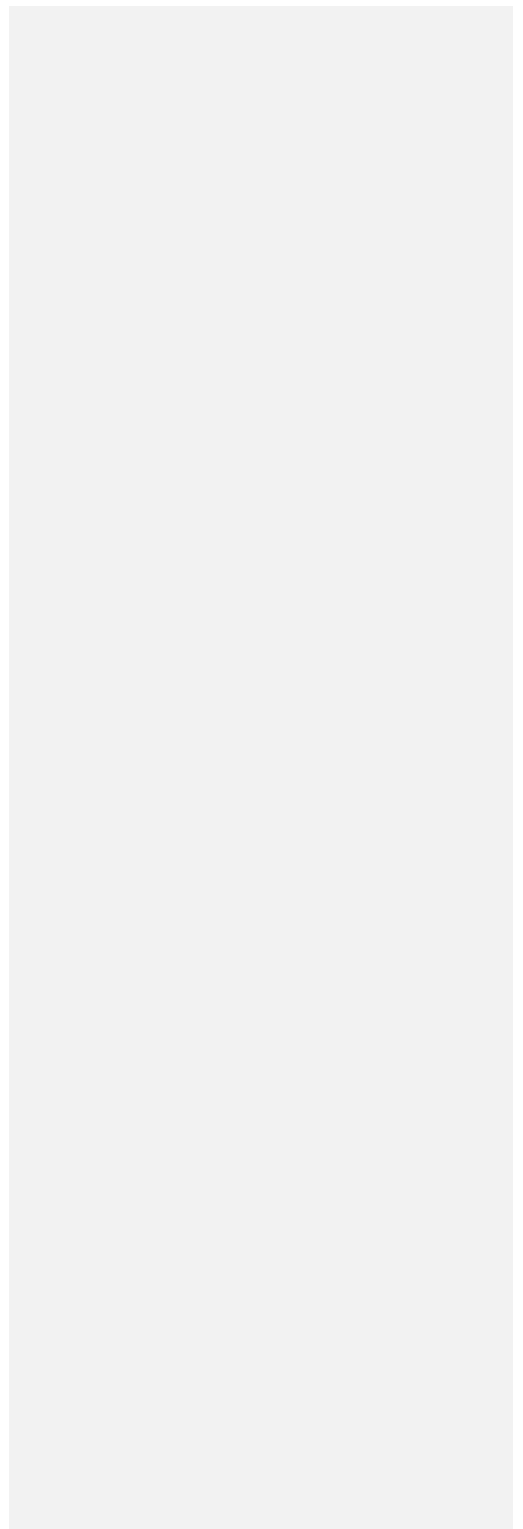
Karen M. Romano, RMC
Borough Administrator/Clerk

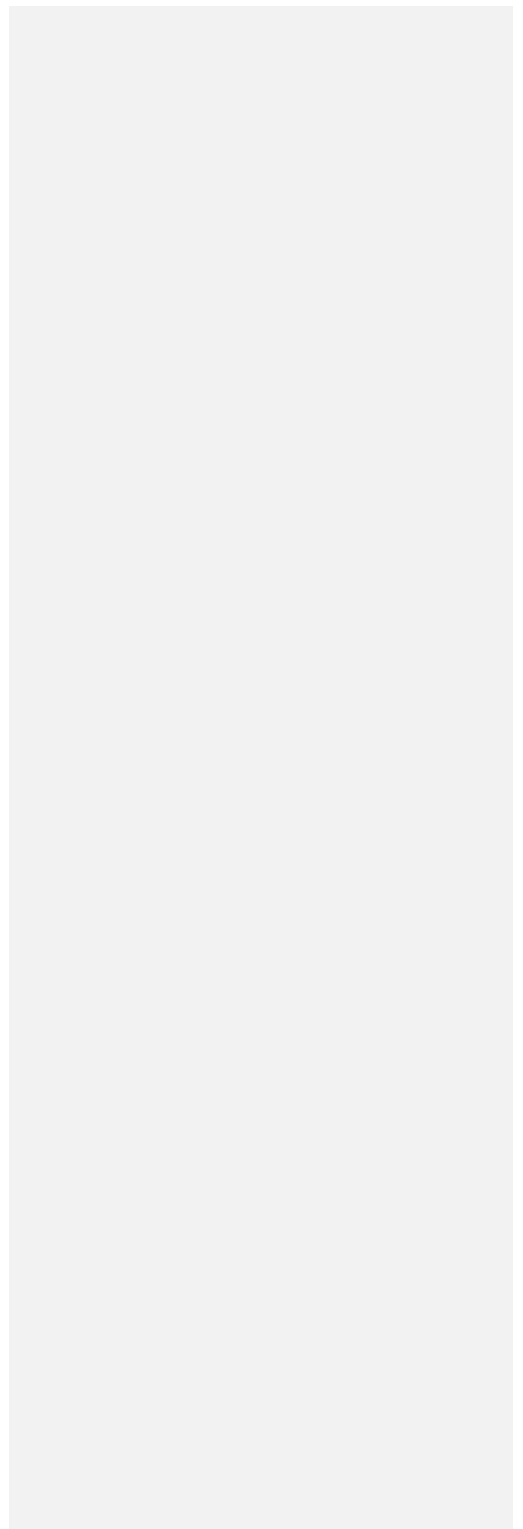


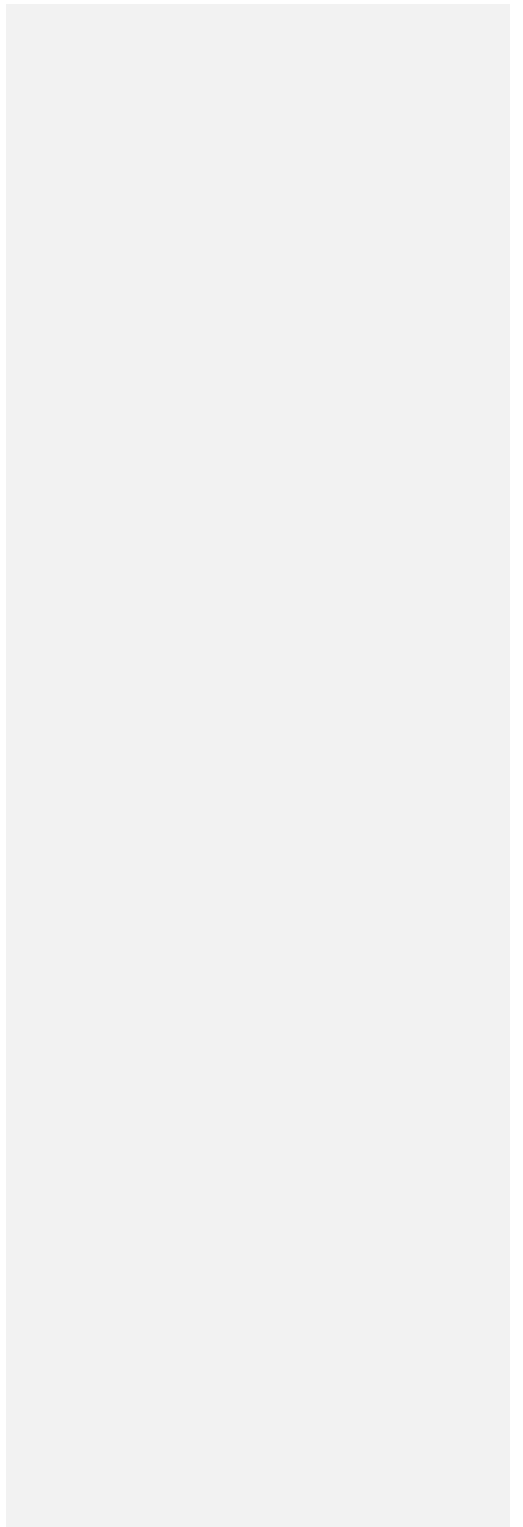


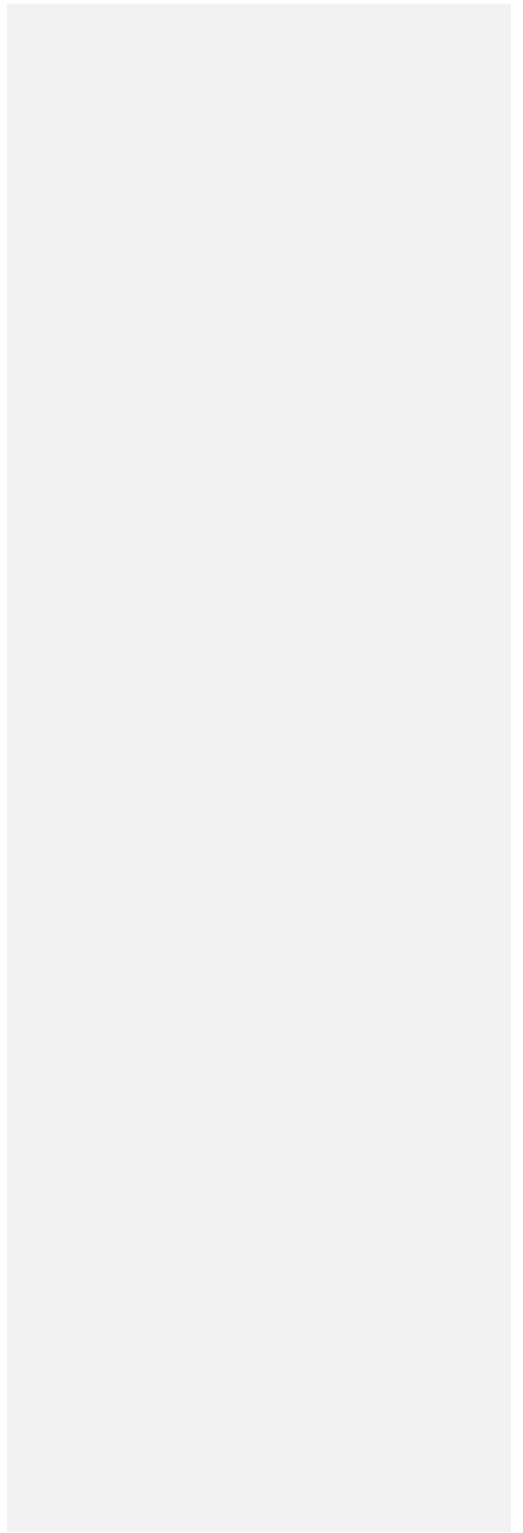




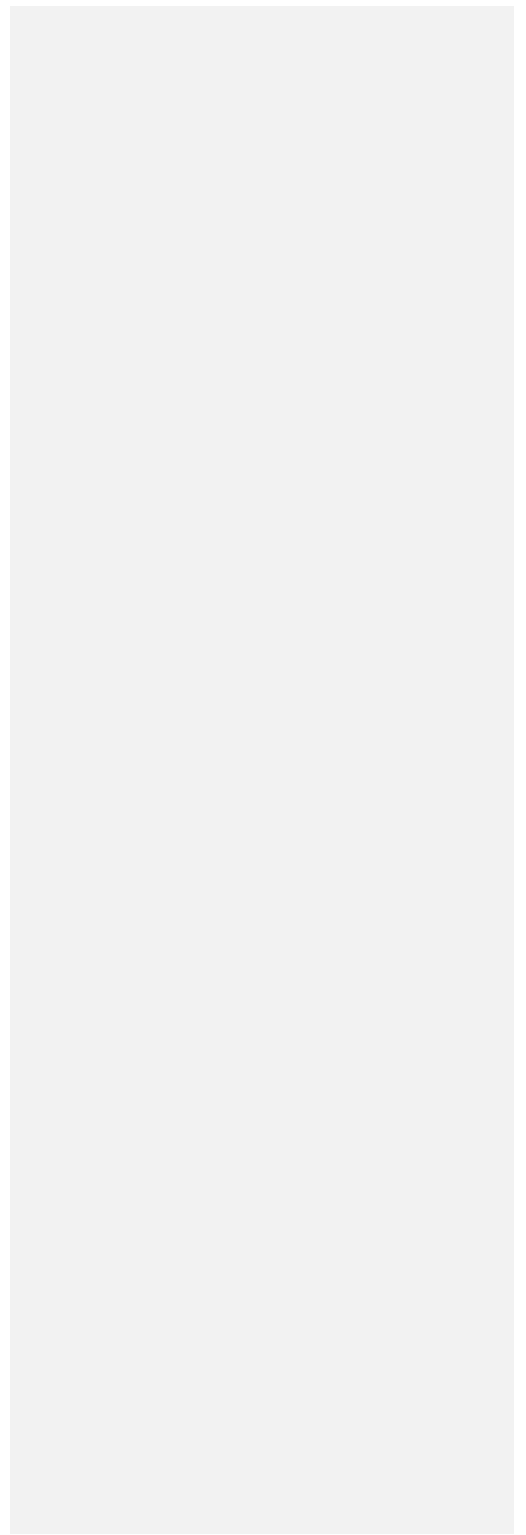








41
LBCC
1-15-2014



42
LBCC
1-15-2014

