



LEBANON BOROUGH COMMON COUNCIL
May 20, 2015

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor Reino at 7:30 pm.

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: Administrator /Clerk Karen M Romano RMC, CMR, and
Attorney Joseph Novak Esq.

RESOLUTION #58 -2014:

Councilman Knoble made a motion to approve Resolution 58-2015 the Consent Agenda with a second by Council President Burton.

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

RESOLUTION # 58-2015

CONSENT AGENDA

May 20, 2015

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. Lebanon Volunteer Fire Company Financial Statement
2. Tax Assessor Report

Introduced and adopted: May 20, 2015:

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC
Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN:

None

ABSENT: Councilman Pittinger

MOMENT OF SILENCE:

As of today a total 8259 of American Service Members have given their lives for our Country in the war against terrorism, New Jersey total remains at 128. Mayor Reino requested a moment of silence in remembrance of all the service men and women who have paid the ultimate sacrifice. On behalf of a grateful nation, they are truly heroes.

APPROVAL OF MINUTES:

Council President Burton made a motion to accept the Regular and Executive Meeting Minutes of April 2015. With a second by Councilwoman Schmidt. The motion was passed by the following vote:

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

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for May 2015. Council President Burton seconded the motion.

List of Bills • (All Bills)

Vendor	Description	Payment	Check Total
Current Fund			
170 ATLANTIC SALT, INC	PO 6628 25 TONS OF SALT	1,726.52	1,726.52
714 B 8 B PRESS INC.	PO 5774 ENVELOPE PREPPING, INV 11298	402.02	402.02
202 CENTORTLINE	PO 6811 TELEPHONE SERVICE. ACCT 310227467/3	337.46	337.46
247 - =CAST	PO 6804 TELEPHONE SVC, ACCT 849905295001191	296.62	296.62
125 - COMMONS AT LEBANON BOMEOWNEES	PO 1630 2014 SHOW REMOVAL & LEAF PICK UP EV	0,727.53	6,727.63
652 - CONSTELLATION mammy 218C	PO 6777 ELECTRIC SVC. !SECT 1-DHUSON/	35.38	35.38
652 - CONSTELLATION NEWERIRGY INC	PO 6796 ELECTRIC SVC. ACCT 1-DHUSON/DHOISOY/	64.57	64.57
652 CONSTELLATION MUMMER= INC	PO 6797 ENERGY SVC FOR HIGH ST., ACCT 1-DRU	704.25	704.28
566 - DAVID G. =ELM	PO 1781 PERFORM DEMOLITION, INV 1801	1,200.00	1,200.00
566 - DAVID 61, TILLOU	PO 6805 BUILDING REPAIR/MAINTENANCE, ENV 18	1,040.00	1,040.00
111 - ELIZABETH O =EMI!	PO 6814 PROFESSIONAL SVCS FROM 4/1 4/10/15.	1,091.75	1,093.75
39 - ELEZABETH TOWN OAS	PO 6790 NATURAL GAR SVC FOR 96 MTN ST., AC	42.03	42.03
39 - ELIZABETH TOWN GAS	PO 6799 NATURAL OAS SVC FOR 96 MAIN ST., AC	451.68	451.68
46 - FERRIEROMINEERENG	PO 6618 ENGINEERING SVCS FOR JAW2015, INK'	292.50	292.50
127 GARDEN STATE HIGHWAY PRODUCTS, INC	PO 6782 NO PARKING SIGNS,	144.00	144.00
670 - BARRY MURRAY/ER	PO 6800 SPECIAL TAX COUNSEL-LOCAL PROPERTY	2,869.10	2,869.00
153 - ECHE DEPOT CREDIT SVCS	PO 6606 LANDSCAPE MATERIALS, ACCT 603532254	82.14	82.14
63 - RCRIZON BLUE CROSS MEE SHIELD	PO 6781 NJ DENTAL INSURANCE FOR IMF, ACCT 365	245.81	245.21
54 NUN PUBLISHING	PO 6781 LEGAL. ADS, ACCT 1160504	48.89	48.89
16 JUNI,	PO 6784 ELECTRIC SVC, ACCT 100064143512/140	107.60	107.60
162 CP8L	PO 6785 STREET LIGHTING, ACCT 100002994141/	696.49	696.49
16 JCP8L	PO 6801 MOH ST. ELECTRIC SVC, ACCT 20000000	497.76	497.76
597 JERSEY ELEVATOR	PO 6520 ELEVATOR MAINTENANCE, 87003014 548	130.10	135.00
264 JOSEPH S. NOVAK	PO 6719 LEGAL SVCS FOR MAY 2015	3,250.00	3,250.00
167 MME ROMANO	PO 5728 CELL PHONE REIMBURSEMENT FOR MAY	100.00	100.00
167 KAREN ROMAM	PO 6809 RE/MBURSEMENT FOR THE FISHING DERBY	40.32	40.32
167 MUTE ROM P'	PO 6810 REIMBURSEMENT FOR THE ADMINISTRATIO	176.60	176.60
608 TOMES	PO 6395 MATERIALS FOR 96 MAIN ST	3,738.07	3,736.07
2 NIL FORMS-SYSTEM, LIG	PO 6786 CHECK PRINTING, CLIENT L027	218.00	218.00
251 - emu= STATE POLICE	PO 6789 POLICING 0000 FOR MARCH 2015, /NV 1	2,099.76	2,099.76
42 - NO STATE LUCRE OF MBNICIFALITIES	PO 6787 MINI-CONFERENCE REGISTRATION FOR KA	95.00	95.00
233 - PITNEY BONES	PO 6802 POSTAGE MACHINE LEASE, ACM 1596021	75.00	75.00
68 - POLAND SPRING EATER CO	PO 6790 BOTTLED DRIER SVC, ACCT 0430758649	14.23	14.23
28 - PREMIER DISPOSAL, INC	PO 6740 TEASE REMOVAL SVC FOR APRIL 2015, A	4,576.00	4,576.00
20 - ODILL CORPORATION	PO 6791 OFFICE SUPPLIES, ACCT 03816685	190.56	190.56
476 - R i L DATA CENTERS, INC.	PO 6807 PAYROLL SVC FOR 4/15-4/30/15, ACCT'	276.60	276.60
605 - RIDGEBACK VENTURE	PO 6797 DEDEMPION OF TAX SALE CERTIFICATE,	2,195.40	2,199.40
676 ROBERT WALICER PLUMBING 4NEATit4G IN	PO 6788 96 MAIN ST.- CAPPED OFF WATER LINES	260.20	260.20
646 ROBERT MIXER PLUMBING i HEATING IN	PO 6003 PLUNGED TOILETS, INV 47804	119.00	110.00
646 ROBERT walma PLUMBING & MATING IN	PO 6813 96 MATE STREET	1,175.76	1,175.76
344 . SRAM mnemonics CORP	PO 6793 MAINTENANCE CONTRACT FOR JAN-MAR 20	224.03	224.03
540 STATESIDE INSURANCE EOM	PO 6750 WORKERS COMP, FUND YEAR 2015 -3RD 0	9,777.00	9,777.00
190 • TELE-DATA SOLUTIONS	PO 6645 MAINTENANCE CONTRACT FOR KAY 2015	98.33	98.33
43 TOWN OF CLINTON	PO 6812 WATER BILLING FROM 02/01/2015-04/30	86.29	86.29
348 VAIL ENERGY SERVICES, LAC	PO 6694 MAINTENANCE CONTRACT FOR MAY 2015,	300.00	308.00
27 WASTE MANAGEMENT 01 NJ /NC	PO 61108 WASTE REMOVAL SVC FOR APRIL 2015. C	3,780.50	3,780.50

TRUST FUNDS

Check. Previously Disbursed

176 SHOPRITE OP HUNTERDON COUNTY	PO 6794 SEN/OR SUPPLIES, INV 04970258506	92.34	98.34
GENERAL CAPTITAL FOND			
4671ER11110 ENGLNEMING	PO 6790 MYRTLE AVE IMPROVEMENTS. INV 59667	292.50	292.50

DEVELOPERS ESCROW							
46	FERMI= ENGINEERING	00	6053	GLADSTONE EQUITIES-FEBRUARY 2015	1,040.00	1,040.00	
241	WILLIAM SHORTS. ESC	PO	6635	OFR08E-DECEMBER 2014	450.00	450.00	
DOTAL							53,000.92
Total to be paid from Fund 01 Currant Fund Total to						51,120.06	
be paid from Fund 03 MUM FORDS Total to be						96.34	
paid from Fund 04 GENERAL CAPTITAL FIRM Total to						292.50	
be paid from rund 14 DEVELOPERS ESCROW						1,490.00	
						
						63,900.92	
304	Lebanon Bozo General Store	PO*	6616	SENIOR LUNCHEON 4-22-2015	579.00	4/22/2015	
285	NJ DEPT OF HEALTH .6 SENIOR SVCS	004	6819	MONTHLY DCG LICENSE REPORT FOR FEB	24.00	4/17/2015	
99999	LEBANON BOROUGH PAYROLL			PAYROLL 5-15-15	12,738.50	5/15/2015	
99999	LEBANON BOROUGH PAYROLL			PAYROLL 4-30-15	9,909.03	4/30/2015	
99999	NJ STATE HEALTH BENEFITS PLAN			APRIL 2015	3,948.17	5/15/2015	
8909	COUNTY OF HUNTERDON- OPEN SPACE TAR	FO#	6779	COUNTY OPEN SPACE TAX, 2ND QTR 201	13,994.45	5/15/2015	
8908	COUNTY OF HUNTERDON - LIBRARY TAN	PO5	6778	LIBRARY TAX - 2ND QTR 2015	19,926.48	5/15/2015	
8907	COUNTY ON HUNTERDON - COUNTY TAX	FO4	6776	COUNTY TAXES - 2ND QTR 2015	190,486.62	5/15/2015	
						263,705.25	
Total paid from Fund 01 Current Fund						262,102.25	
Total paid Iran Fund 03 TRUST FUND*						602.00	
						
						263,705.25	

Total for this Bills List 318,708.17

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

OPEN PUBLIC SESSION:

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

History Committee: Chairman Joe Hauck Presented Council with the grave marker that he marker all the Civil War Vets grave with.

Shade Tree: Chairman Joe reported two trees would be removed on Main Street and one on Brunswick Ave. The Fire Department and Recreation Commission would be also removing dead trees in the park.

Zoning: Zoning Officer Hauck reported he will be taking down all non permitted signs up and down Route 22.

Trooper Walsh: NJSP reported Lebanon Borough has been quite.

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.

ORDINANCE 2015-02:

Councilwoman Schmidt made a motion to Introduce Ordinance 2015-02 with a

second by Council President Burton.

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

ORDINANCE #2015-02

AN ORDINANCE OF THE BOROUGH OF LEBANON IN THE COUNTY OF HUNTERDON, NEW JERSEY AMENDING "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LEBANON, 1985" TO ADD TO CHAPTER II (ADMINISTRATION) A NEW SECTION CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING BOROUGH OF LEBANON'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

BE IT ORDAINED AND ENACTED by the Mayor and BOROUGH Committee of BOROUGH OF LEBANON in the County of Hunterdon and State of New Jersey as follows:

Section 1. The "Revised General Ordinances of the BOROUGH of LEBANON, 1985" are hereby amended to add thereto new Section 2-20, Municipal Housing Liaison, which shall read as follows:

2-20 MUNICIPAL HOUSING LIAISON.

2-20.1 Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of BOROUGH OF LEBANON's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

2-20.2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON — The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for BOROUGH OF LEBANON

ADMINISTRATIVE AGENT — The entity responsible for administering the affordability controls of some or all units in the affordable housing program for BOROUGH OF LEBANON to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

2-20.3 Establishment of Municipal Housing Liaison position and compensation, powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for BOROUGH OF LEBANON.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and

administration of the affordable housing program for BOROUGH OF LEBANON, including the following responsibilities that may not be contracted out:

- (1) Serving as BOROUGH OF LEBANON's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
- (2) Monitoring the status of all restricted units in BOROUGH OF LEBANON's Fair Share Plan;

- (3) Compiling, verifying, and submitting annual reports as required by COAH;
- (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
- (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
- (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in BOROUGH OF LEBANON as described in F. below.

D. Subject to approval by COAH, BOROUGH OF LEBANON may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of BOROUGH OF LEBANON. If BOROUGH OF LEBANON contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

E. Compensation shall be fixed by the BOROUGH Committee at the time of the appointment of the Municipal Housing Liaison.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, and all other provisions of this Ordinance shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication pursuant to law.

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Richard J. Burton, Council President

Vote after public hearing and upon final

adoption: Burton

Knoble
Schmidt

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

Pittinger

Berger

Veto in Whole or Part:

Michael F. Reino, Mayor
Date:

Approved:

Michael F Reino, Mayor
Date: _____

Returned to Borough Clerk
with statement attached on _____

Introduced: May 20, 2015
Adopted:

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on May 20, 2015 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 June 17, 2015 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

ORDINANCE 2015-03:

Councilman Knoble made a motion to Introduce Ordinance 2015-03 with a second by Council President Burton.

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

ORDINANCE #2015-03

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF
HUNTERDON AND STATE OF NEW JERSEY AMENDING THE
CODE OF THE BOROUGH OF LEBANON TO ADDRESS THE
PROVIDE FOR THE COLLECTION OF AFFORDABLE HOUSING
DEVELOPMENT FEES**

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et m.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. Any and all references to COAH shall mean the Department of Community Affairs (the Department).
- d) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Department's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. *Fees* collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-

income housing. This ordinance shall be interpreted within the framework of the Department's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by the Department pursuant to N.J.A.C. 5:96-5.1.
- b) Lebanon Borough shall not spend development fees until the Department has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished the Council and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. As such, any and all references to COAH shall mean the Department.
 - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the

property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

- vi. **"Green building strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. **Residential Development fees**

- a) Imposed fees

- i. Within the residential district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5) percent of the equalized assessed value for residential development provided no increased density is permitted.

When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

[Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.]

- b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the

approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

5. **Non-residential Development fees'**

a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between **the equalized** assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

It should be noted that pursuant to P.L. 2009, c. 90 and P.L.2011, c. 122, the non-residential statewide development fee of 2.5% for non-residential development is suspended for all non-residential projects that received preliminary or final site plan approval subsequent to July 17, 2008 until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Lebanon Borough as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential **Development** Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential

developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- 0 Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Lebanon fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

0 Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by [insert name of municipality]. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by [insert name of municipality]. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount;
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with Borough of Lebanon's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Borough of Lebanon shall provide the Department with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and the Department to permit the Department to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Department.

8 Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by the Department. Funds deposited in the housing trust fund may be used for any activity approved by the Department to address the [insert name of municipality]'s fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse the Borough of Lebanon for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low• and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Borough of Lebanon may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Department's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) Borough of Lebanon shall complete and return to the Department all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Borough of Lebanon's housing program, as well as to the expenditure of revenues and implementation of the approved by the court. All monitoring reports shall be completed on forms designed by the Department.

10. Ongoing collection of fees

- a) The ability for Borough of Lebanon to impose, collect and expend development fees shall expire with its judgment of compliance unless Borough of Lebanon has filed an adopted Housing Element and Fair Share Plan with the Department, has petitioned for substantive certification, and has received the Department's approval of its development fee ordinance. If Borough of Lebanon fails to renew its ability to impose and collect development fees prior to the expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320. The Borough of Lebanon shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Lebanon retroactively impose a development fee on such a development. The Borough of Lebanon shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Richard J. Burton, Council President

Vote after public hearing and upon final adoption:

Burton

Knoble

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

Schmidt

Junge

Pittinger

Berger

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: _____

Returned to Borough Clerk
with statement attached on _____

Introduced: May 20, 2015
Adopted:

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on May 20, 2015 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 June 17, 2015 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

ORDINANCE 2015-04:

Councilman Knoble made a motion to Introduce Ordinance 2015-04 with a second by Council President Burton.

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

ORDINANCE 2015-04

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADWAYS AND PARKING AREAS IN AND BY THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,040,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$988,000 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 members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,040,000, which sum includes \$52,000 as the aggregate amount of down payment for said improvements or purposes as required by the Local

Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"). The down payment is now available 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 improvements or purposes described in Section 3 hereof and to meet the part of said \$1,040,000 appropriation not provided by said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$988,000 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$988,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for the improvements to various roadways and parking areas in the Borough, all as on file with the Borough Clerk. Such improvements or purposes are to include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements, inlet manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition and installation of traffic signals, signage and bicycle corrals, as required, and all materials equipment, accessories and work necessary therefor or incidental thereto.

(a) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$988,000.

(b) The aggregate estimated cost of said improvements or purposes is \$1,040,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the aggregate amount of \$988,000, is the aggregate amount of the down payments available for said purposes in the amount of \$52,000.

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 improvements and purposes authorized hereby 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. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 the Local Bond Law. 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. In the event of any such inconsistency, 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 will be on file in the office of the Clerk and will be available for public inspection.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, 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 improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, twenty (20) 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 \$988,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements and purposes hereinbefore 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 bonds or notes authorized by this bond ordinance. The bonds or notes 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 bonds or notes 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 improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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 improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 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 any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$988,000. 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 and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: May 20, 2015

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

ADOPTED ON SECOND READING

DATED: _____, 2015

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2015.

MICHAEL REINO, Mayor

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the attached Supplemental Debt Statement was prepared, executed and sworn to by Kay Winzenried, the Chief Financial Officer of the Borough as of May 20, 2015, that such Supplemental Debt Statement was filed in my office on May 20, 2015 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2015.

KAREN M. ROMANO,
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 (the "Borough"), 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 May 20, 2015 at : p.m. at the Borough's Municipal Building and that the following was the roll call:

Present:

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 this ____ day of _____, 2015.

(SEAL)

KAREN M. ROMANO,
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 (the "Borough"), 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 June 17, 2015, 2015 at 7:30 p.m. at the Borough's Municipal Building and that the following was the roll call:

Present:

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 this 17th day of June, 2015.

(SEAL)

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

CLERK'S CERTIFICATE

I, KAREN M. 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 May 20, 2015 and finally adopted on June 17, 2015 and approved by the Mayor, as applicable, on June 17, 2015.

(2) After introduction, the bond ordinance was published as required by applicable law on _____, 2015 in Hunterdon County Democrat.

(3) Following the introduction of the bond 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 bond ordinance or a summary thereof and a notice that copies of the bond 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 bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

(4) After final adoption, the bond ordinance was duly published as required by law on _____, 2015 in _____ [name of newspaper]. 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 bond 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 bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

(6) A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, 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 this 19th day of June, 2015.

(SEAL)

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

**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 May 20, 2015. 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 the said County on June 17, 2015 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 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 IMPROVEMENTS TO VARIOUS ROADWAYS AND PARKING AREAS IN AND BY THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,040,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$988,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Purpose(s): Improvements to various roadways in the Borough, all as on file with the Borough Clerk.

Appropriation: \$1,040,000

Bonds/Notes Authorized: \$988,000

Section 20 Costs; \$150,000

Useful Life: 20 years

KAREN M. ROMANO,

Clerk of the Borough of Lebanon

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 20th day of May, 2015.

Certified by me

Date _____

_____ **Municipal Clerk** _____

Trenton, New Jersey

Approved _____

~~Director of Local Government Services~~ _____

2 capital

Introduced and adopted: May 20, 2015

Ayes: 5

Nays:

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 May 20, 2015.

Karen Romano
Borough Administrator/ Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION 63-2015:

Councilman Berger made a motion to approve Resolution #63-2015 with a second by Council President Burton.

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

RESOLUTION #63-2015

LIQUOR LICENSE
69 MAIN STREET LLC

WHEREAS, an application for Plenary Retail Consumption License has been made by 69 Main Street LLC, Trade name being FOX AND HOUND TAVERN AT THE LEBANON HOTEL, located at 69 Main Street, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached;

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the above named application and authorize the Borough Clerk to sign said application and file it with the NJ Division of Alcoholic Beverage Control.

Introduced and adopted: May 20, 2015:

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION 64-2015:

**Councilman Berger made a motion to approve Resolution #64-2015 with a second
by Council President Burton.**

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

RESOLUTION #64-2015

LIQUOR LICENSE
ROCK U LLC

WHEREAS, an application for Plenary Retail Distribution License has been made by Rock U LLC,
Trade name being BOURBON STREET LIQUORS, located at 1243 Hwy 22 E, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached;

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the
above named application and authorize the Borough Clerk to sign said application and file it with the NJ
Division of Alcoholic Beverage Control.

Introduced and adopted: May 20, 2015:

Ayes: 5

Nays: 0

Absent: 1

Richard J. Burton, Council President

ATTEST:

Karen M Romano

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION 65-2015:

**Councilman Berger made a motion to approve Resolution #65-2015 with a second
by Council President Burton.**

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

RESOLUTION #65-2015

**LIQUOR LICENSE
COURTYARD MANAGEMENT CORPORATION**

WHEREAS, an application for Plenary Retail Consumption License has been made by Courtyard Management Corporation, Trade name being COURTYARD BY MARRIOT, located at 300 Corporate Drive, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached;

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the above named application and authorize the Borough Clerk to sign said application and file it with the NJ Division of Alcoholic Beverage Control.

Introduced and adopted: May 20, 2015:

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION 66-2015:

Councilman Berger made a motion to approve Resolution #66-2015 with a second by Council President Burton.

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

RESOLUTION #66-2015

RESOLUTION AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT APPLICATION AND A MOTION FOR TEMPORARY IMMUNITY DURING WHICH TO PREPARE THE BOROUGH'S AMENDED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND OBTAIN A THIRD ROUND JUDGMENT OF COMPLIANCE AND REPOSE

WHEREAS, the Lebanon Borough Planning Board did, on August 20, 2012, receive an Order Granting Prior Round Declaratory Judgment of Compliance and Repose from Mt. Laurel Litigation and Stay of Third Round Obligations from the Honorable Peter Buchsbaum, JSC, in the case entitled Kenneth S. Pizzo, Sr., Plaintiff, v. The Borough of Lebanon and the Planning Board of the Borough of Lebanon, Defendants, Docket No.: SOM-L-000624-04; and

WHEREAS, said Order "grants the Borough and its Planning Board continued immunity from Mt. Laurel lawsuits until the date required for submission of the Third Round Compliance Plan, if any, once

established by regulation, statute, or decision of a Court with appropriate jurisdiction, provided that immunity will, without further Order of the Court, be extended upon the filing by the Borough of a duly adopted and endorsed Housing Element and Fair Share Plan for the Third Round, for such time as COAH, the DCA Commissioner or the Court permit for all other Municipalities in New Jersey"; and

WHEREAS, said Order commends the Borough "for having gone above and beyond its compliance obligations in providing for its thirty-four (34) unit Prior Round obligation and a three (3) unit Rehabilitation obligation (all of which are substantially constructed/rehabilitated), and has up to twenty (20) surplus units/credits and reductions that can be applied to its Third Round obligation when such obligation is known"; and

WHEREAS, the Borough of Lebanon is located within the Highlands Planning Area and has opted in to the jurisdiction of the Highlands Council; and

WHEREAS, pursuant to the Memorandum of Understanding between COAH and the Highlands Council, the Borough prepared, adopted (on May 19, 2010), submitted to the Court, and filed with COAH a Third Round Housing Element and Fair Share Plan based upon COAH's Rules in effect at that time and the Highlands Regional Master Plan; and

WHEREAS, within a few months of the time that Lebanon adopted its Third Round Housing Element and Fair Share Plan, COAH's Rules (at N.J.A.C. 5:96-1, *et seq.* and 5:97-1, *et seq.*) were invalidated, which led to the Court's approval of only the Prior Round Compliance portions of the Third Round Housing Element and Fair Share Plan in 2012; and

WHEREAS, the New Jersey Supreme Court did, on March 10, 2015, issue an order eliminating the COAH administrative processes authorized by the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, with an effective date of June 8, 2015; and

WHEREAS, the New Jersey Supreme Court provided in said order that municipalities which had either received substantive certification of their Third Round Housing Elements and Fair Share Plans from COAH or which had petitioned COAH for substantive certification of their Third Round Housing Elements and Fair Share Plans in accordance with COAH's Rules but had not yet received substantive certification from COAH would be permitted a period of thirty (30) days beginning on June 8, 2015, within which to file declaratory judgment actions in Superior Court in order to obtain the judicial equivalent of the substantive certifications that they had either received or that they had applied for under N.J.S.A. 52:27D-313, but had not yet received; and

WHEREAS, the Borough of Lebanon was in the jurisdiction of the Court and not COAH when it adopted and filed its May, 2010, Third Round Housing Element and Fair Share Plan, and now wishes to petition the Court for a Declaratory Judgment with respect to its Third Round

Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Lebanon acknowledges that the adopted Third Round Housing

Element and Fair Share Plan requires modification to eliminate all references to growth share; to document its available vacant, developable land capacity and redevelopment opportunities consistent with the Highlands Regional Master Plan; to determine its available sewage treatment capacity and water supply for the purposes of addressing the Third Round affordable housing fair share obligation to be established by the Court; and to develop ways to meet that obligation and/or measures designed to capture additional affordable housing opportunities if and when such opportunities present themselves; and

WHEREAS, the Borough of Lebanon needs a reasonable period of time to prepare and adopt said amended Third Round Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey, as follows:

1. The Borough Council hereby authorizes Joseph Novak, Esquire, Borough Attorney, to prepare and file a Declaratory Judgment action in the Superior Court of New Jersey, Hunterdon County, to be accompanied by such exhibits and certifications as deemed necessary and appropriate for the purposes of obtaining temporary immunity from all exclusionary zoning lawsuits so that the Borough can prepare and adopt an amended Third Round Housing Element and Fair Share Plan and submit it to the Court for review and approval as part of a Judgment of Compliance and Repose.
2. The Borough Council of the Borough of Lebanon does hereby direct that a certified copy of this resolution be submitted to the Court with the application for a Declaratory Judgment and temporary immunity, along with a copy of the previously adopted Third Round Housing Element and Fair Share Plan, and any other materials that would be helpful to the Court in connection with the Declaratory Judgment action.
3. The Borough Council hereby authorizes Elizabeth C. McKenzie, AICP, PP, Borough Planner, to prepare the Borough's amended Third Round Housing Element and Fair Share Plan, which preparation shall be completed within the period of temporary immunity granted by the Court, with sufficient time for the Plan to be adopted and submitted to the Court.
4. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall be simultaneously provided by personal service or certified mailing to: Edward Buzak, Esq., on behalf of the New Jersey League of Municipalities; Jeffrey Surenian, Esq., on behalf of Atlantic Highlands; Stephen Eisdorfer, Esq., on behalf of the New Jersey Builder's Association; Kevin Walsh, Esq., on behalf of Fair Share Housing Center; Jeffrey Kantowitz, Esq., on behalf of Martin and MTAE, Inc.; and Geraldine Callahan, Esq., DAG, on behalf of COAH.
5. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also be simultaneously provided by personal service or certified mailing to: the Hunterdon, Somerset and Middlesex County Planning Boards; the New Jersey Highlands Council; the clerks of all municipalities within COAH's Housing Region 3; all affordable housing providers serving COAH's Housing Region 3; all landowners and/or contract purchasers included in the amended Housing Element and Fair Share Plan and/or offering to construct affordable housing within the Borough of Lebanon; and to any other parties specifically requesting notice.

6. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also appear in a newspaper of general circulation throughout the County.

7. This Resolution shall take effect immediately. Introduced

and adopted: May 20, 2015:

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

CERTIFICATION

RESOLUTION 67-2015:

Councilman Berger made a motion to approve Resolution #67-2015 with a second by Council President Burton.

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

**RESOLUTION # 67-2015
Vail Energy Services, LLC**

WHEREAS, a need has arisen to repair and replace a defective compressor, liquid line drier, refrigerant charge and discharge line, or emergent tasks which must be accomplished in a timely manner so as to not delay the any repair; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Lebanon with regard to the Municipal Building HVAC units that the Buildings & Grounds Committee recommends engagement of Vail Energy Services, LLC. to perform specific maintenance procedures, reports, and associated services to the HVAC system for a sum not-to-exceed \$2,998.00, has been approved.

Introduced and adopted: May 20, 2015:

Ayes: 5
Nays: 0
Absent: 1

Richard J. Burton, Council President

ATTEST. _____

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION 68-2015:

Councilman Berger made a motion to approve Resolution #68-2015 with a second by Council President Burton.

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

RESOLUTION # 68-2015

WHEREAS, Assembly Bill No. A-4235 supplementing Chapter 4 of Title 54, RS.54:4- 65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and

WHEREAS, A-4235 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the

municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets;

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lebanon, County of Hunterdon, and State of New Jersey, hereby supports Assembly Bill A4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the NJ State Assembly, the members of the NJ Senate, and the Governor of the State of New Jersey, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey; and all flunterdon County Municipalities.

Introduced and adopted: **May 20, 2015:**

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 May 20, 2015 force and effect as of the date I have subscribed my signature.

Date: May 20, 2015

Karen M. Romano, RMC Borough
Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

Mayor Reino requested a motion to enter into execution session to discuss Contractual items.

RESOLUTION 68-2015:

Councilman Berger made a motion to approve Resolution #68-2015 to enter in to executive session with a second by Council President Burton.

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

RESOLUTION #69-2015

Whereas, the Open Public Meetings Act allows the Mayor and Council to exclude the public from a portion of a meeting in certain circumstances,

Now therefore, be it Resolved, by the Council of the Borough of Lebanon, that the public shall be excluded from discussion of the following matter(s):

- 1. A confidential matter under Federal or State Law or Court Rule.
- 2. A matter involving information that may jeopardize the Borough's rights to receive funds from the United States Government.
- 3. A matter constituting an unwarranted invasion of an individual's privacy rights.
- 4. Collective Bargaining Agreement or negotiation of the Agreement.
- 5. Matters involving the purchase, lease or acquisition of real property.
- 6. Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
- x 7. Litigation Tax Court Matters _____ Anticipated Litigation _____
Contract Negotiations: _____
- 8. Matters falling within the attorney-client privilege: _____
- 9. Personnel matters involving a specific employee or officer of the Borough: Policies.
- 10. Deliberations involving a public hearing which may result in the imposition of a specific civil penalty or suspension or loss of a license or permit.

The approved Executive Session minutes will be placed on file in the Borough Clerk's Office and will be available to the public as provided for by Law.

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

Introduced and adopted: May 20, 2015
 Ayes: 5
 Nays: 0
 Absent: 1
 Abstain: 0

LEBANON BOROUGH COUNCIL

By: Richard J. Burton, Council
President

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk, hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 20th day of May 2015; that this Resolution has not been amended **or** repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Dated: May 20, 2015

Karen M. Romano, RMC
Borough Administrator/ Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

Mayor Reino requested a motion to close executive session and enter back into regular session.

Councilman Berger made a motion close executive session and enter back into the regular session on May 20th with a second by Council President Burton.

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

OPEN PUBLIC SESSION:

Councilman Berger made a motion to open the public session. Councilman Junge 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.

MISCELLANEOUS:

DISCUSSION:

COUNCIL COMMITTEES:

ADJOURN:

Councilman Berger moved and Councilwoman Schmidt seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:35 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

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