



LEBANON BOROUGH COMMON COUNCIL
June 17, 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.

MOMENT OF SILENCE:

As of today a total 8279 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.

ROLL CALL:

Present: Mayor Reino, Councilman Berger, Councilwoman Schmidt, Councilman Knoble
Councilman Pittinger and Councilman Junge

Absent: Council President Burton

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

RESOLUTION #70 -2015:

Councilman Knoble made a motion to approve Resolution 70-2015 the Consent Agenda with a second by Councilwoman Schmidt.

RESOLUTION # 70-2015

CONSENT AGENDA

June 17, 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. Finance Monthly Report March, April and May
2. Lebanon Fire Company regarding Prostack Lane
3. Toll Brothers letter regarding COAH
4. Assessor's Report
5. HC Public Health regarding Animal Control Shared Service
6. Harry Haushalter regarding Tax Appeals
7. League Conference in November

Introduced and adopted: June 17, 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 June 17, 2015 force and effect as of the date I have subscribed my signature.

Date: June 17, 2015

Karen M. Romano, RMC
Borough Administrator/Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

APPROVAL OF MINUTES:

Councilman Pittinger made a motion to accept the Regular and Executive Meeting Minutes of May 2015. With a second by Councilwoman Schmidt.

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for May 2015. Councilman Knoble seconded the motion.

List of Bills - (All Funds)

Vendor	Description	Current Fund	Payment	Check Total
466 - ANIMAL CONTROL SOLUTIONS, LLC	PO 6893 ANIMAL CONTROL SVCS FOR 2015, INV 6		250.00	250.00
680 - BARDECKER & SON LLC	PO 6899 SPREAD AND GRADE 40 TONS OF QUARRY		1,830.00	1,830.00
26 - BOROUGH OF LEBANON - PETTY CASH	PO 6872 PETTY CASH 6-8-2015		187.78	187.78
202 - CENTURYLINK	PO 6888 TELEPHONE SERVICE, ACCT 310227467/3		337.74	337.74
247 - COMCAST	PO 6863 TELEPHONE SVC, ACCT 849905295001391		296.62	296.62
652 - CONSTELLATION NEWENERGY INC	PO 6864 ELECTRIC SVC, ACCT 1-DHUSOH/DHUSOY/		57.83	57.83
652 - CONSTELLATION NEWENERGY INC	PO 6865 ENERGY SVC FOR HIGH ST., ACCT 1-DHU		624.45	624.45
652 - CONSTELLATION NEWENERGY INC	PO 6871 ELECTRIC SVC, ACCT 1DHUOSN/		32.73	32.73
566 - DAVID G. TILLOU	PO 6896 SVCS IN CONNECTION WITH SSP LITIGAT		3,217.50	3,217.50
566 - DAVID G. TILLOU	PO 6898 SERVICES FROM NOVEMBER 22, 2014 TO		3,380.00	3,380.00
111 - ELIZABETH C MCKENZIE	PO 6877 PROFESSIONAL SVCS FROM 5/1-6/02/15,		2,143.75	2,143.75
39 - ELIZABETH TOWN GAS	PO 6829 NATURAL GAS SVC FOR 96 MAIN ST., AC		271.07	271.07
39 - ELIZABETH TOWN GAS	PO 6830 NATURAL GAS SVC FOR 96 MAIN ST., AC		16.78	16.78
46 - FERRIERO ENGINEERING	PO 6831 ENGINEERING SVCS FOR APRIL 2015, IN		541.25	541.25
46 - FERRIERO ENGINEERING	PO 6878 ENGINEERING SVCS FOR MAY 2015, INV		1,444.00	1,444.00
670 - HARRY HAUSHALTER	PO 6832 SPECIAL TAX COUNSEL-LOCAL PROPERTY		3,172.50	3,172.50
670 - HARRY HAUSHALTER	PO 6881 SPECIAL TAX COUNSEL-LOCAL PROPERTY		3,199.50	3,199.50
658 - HIDDEN ACRES	PO 6315 TREES		1,340.00	1,340.00
153 - HOME DEPOT CREDIT SVCS	PO 6879 LANDSCAPE MATERIALS, ACCT 603532254		84.60	84.60
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 6553 DENTAL INSURANCE FOR JULY, ACCT 165		245.81	245.81
54 - NJN PUBLISHING	PO 6880 LEGAL ADS, ACCT 1160904		48.89	48.89
54 - NJN PUBLISHING	PO 6890 LEGAL ADS, ACCT 1160904		408.34	408.34
54 - NJN PUBLISHING	PO 6891 LEGAL ADS, ACCT 1160904		140.40	140.40
16 - JCP&L	PO 6833 HIGH ST. ELECTRIC SVC, ACCT 20000000		417.01	417.01
16 - JCP&L	PO 6834 STREET LIGHTING, ACCT 100002994182/		682.40	682.40
16 - JCP&L	PO 6835 ELECTRIC SVC, ACCT 100064143512/140		90.97	90.97
597 - JERSEY ELEVATOR	PO 6521 ELEVATOR MAINTENANCE, account # 548		135.00	135.00
401 - JOINT COURT BETHLEHEM/BLOOMSBURY	PO 6688 MUNICIPAL COURT SERVICES, 2ND QTR,		3,335.25	3,335.25
283 - JOSEPH HAUCK	PO 6884 SUPPLIES FOR TREE PLANTING		29.67	29.67
264 - JOSEPH S. NOVAK	PO 6720 LEGAL SVCS FOR JUNE 2015		3,250.00	3,250.00
167 - KAREN ROMANO	PO 6729 CELL PHONE REIMBURSEMENT FOR JUNE		100.00	100.00
167 - KAREN ROMANO	PO 6866 MILEAGE REIMBURSEMENT		62.17	62.17
104 - KAY WINZENRIED	PO 6836 CONFERENCE EXPENSE REIMBURSEMENT		228.20	228.20
559 - LANZA & LANZA LLP	PO 6867 LEGAL SVCS, LEBANON VS T.M. BRENNAN		1,280.00	1,280.00
57 - LEBANON BOROUGH FIRE COMPANY	PO 6895 REMOVED 3 TREES IN THE PARK		800.00	800.00
57 - LEBANON BOROUGH FIRE COMPANY	PO 6897 2015 SPRING BRUSH CHIPPING		6,750.00	6,750.00
608 - LOWES	PO 6876 MATERIALS FOR 96 MAIN ST		779.67	779.67
213 - Lebanon Boro General Store	PO 6900 END OF YEAR ICE CREAM FROM THE CRO		70.00	70.00
2 - MGL FORMS-SYSTEMS, LLC	PO 6842 NOTARY STAMP, CUST 1027		38.00	38.00
2 - MGL FORMS-SYSTEMS, LLC	PO 6886 2015 TAX BILLS, INV 129710		253.00	253.00
253 - NEW JERSEY STATE POLICE	PO 6844 POLICING SVCS FOR APRIL 2015, INV 1		3,499.60	3,499.60
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 6845 REGIONAL SCHOOL DISTRICT TAX, JULY		271,429.17	271,429.17
37 - PITNEY BOWES - RESERVE ACCOUNT	PO 6887 POSTAGE FOR THE MAILING MACHINE		400.00	400.00
68 - POLAND SPRING WATER CO	PO 6848 BOTTLED DRINK SVC, ACCT 0430758649		50.19	50.19
28 - PREMIER DISPOSAL, INC	PO 6741 TRASH REMOVAL SVC FOR MAY 2015, ACC		4,576.00	4,576.00
476 - R & L DATA CENTERS, INC.	PO 6883 PAYROLL SVC FOR 5/15-5/30/15, ACCT		271.12	271.12
646 - ROBERT WALKER PLUMBING & HEATING IN	PO 6849 96 MAIN ST. - BASEBOARD RADIATION R		1,896.00	1,896.00
540 - STATEWIDE INSURANCE FUND	PO 6751 WORKERS COMP, FUND YEAR 2015 -4TH Q		9,777.00	9,777.00
76 - STEVE WELLS	PO 6850 RECREATION SUPPLY REIMBURSEMENT		102.16	102.16
390 - TELE-DATA SOLUTIONS	PO 6646 MAINTENANCE CONTRACT FOR JUNE 2015,		98.33	98.33

66 - TREASURER, STATE OF NEWJERSEY	PO 6843	STORMWATER DISCHARGE PERMIT, ID 000	1,050.00	1,050.00
348 - VAIL ENERGY SERVICES, LLC	PO 6695	MAINTENANCE CONTRACT FOR JUNE 2015,	308.00	308.00
348 - VAIL ENERGY SERVICES, LLC	PO 6852	HVAC SERVICE, INV 60700	229.00	229.00
11 - VITAL SERVICES GROUP	PO 6885	BLANK FARMLAND FORMS	6.00	6.00
27 - WASTE MANAGEMENT OF NJ INC	PO 6882	WASTE REMOVAL SVC FOR MAY 2015, CUS	3,731.20	3,731.20
241 - WILLIAM SHURTS, ESQ	PO 6869	MARCH 2015, ACCT 123.000	120.00	120.00
TRUST FUNDS				
105 - ALLSEASONS FLOWERS & GIFTS	PO 6828	FLOWERS FOR SENIOR CLUB	50.00	50.00
GENERAL CAPITAL FUND				
54 - NJN PUBLISHING	PO 6892	LEGAL ADS, ACCT 1160904	42.35	42.35
DEVELOPERS ESCROW				
46 - FERRIERO ENGINEERING	PO 6856	2015 STREET OPENING PERMITS	682.50	682.50
46 - FERRIERO ENGINEERING	PO 6858	JEFFREY FREEDMAN SITE PLAN-APRIL 20	585.00	585.00
46 - FERRIERO ENGINEERING	PO 6894	MAY 2015 ROLLIN FAST BLOCK 5 LOT 39	357.50	357.50
679 - GLADSTONE EQUITIES LLC	PO 6875	REFUND OF INSPECTION ESCROW	13,924.96	13,924.96
241 - WILLIAM SHURTS, ESQ	PO 6857	JEFFREY FREEDMAN MARCH AND APRIL 20	412.50	412.50
TOTAL				355,171.46
Total to be paid from Fund 01 Current Fund			339,116.65	
Total to be paid from Fund 03 TRUST FUNDS			50.00	
Total to be paid from Fund 04 GENERAL CAPITAL FUND			42.35	
Total to be paid from Fund 14 DEVELOPERS ESCROW			15,962.46	
			=====	
			355,171.46	
Checks Previously Disbursed				
99999	NJ STATE HEALTH BENEFITS PLAN	JUNE 2015	3,948.17	6/15/2015
99999	LEBANON BOROUGH PAYROLL	PAYROLL 6-15-15	12,791.36	6/15/2015
99999	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 6874 EMAIL	136.00	5/07/2015
99999	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 6873 EMAIL	136.00	6/02/2015
99999	LEBANON BOROUGH PAYROLL	PAYROLL 5-29-15	10,089.13	5/29/2015
99999	Lebanon Boro General Store	PO# 6855 LUNCH FOR POLL WORKERS 6-2-2015	30.50	6/02/2015
99999	THE FLAG GUYS	PO# 6854 GAR THERMOPLASTIC MARKERS CUSTOMER	317.95	5/07/2015
8960	DAVID G. TILLOU	PO# 6827 TILE BATHROOM AT 96 MAIN ST, INV 1	130.00	5/26/2015
8959	DAVID G. TILLOU	PO# 6826 TILE BATHROOM AT 96 MAIN ST, INV 1	1,164.89	5/26/2015
Total paid from Fund 01 Current Fund			28,744.00	

			28,744.00	

Total for this Bills List: 383,915.46

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

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.

Tax Assessor, Jeff Burd explained Resolution 76-2015.

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.

OPEN PUBLIC SESSION:

Councilman Berger made a motion to open the public session for Ordinance 2015-02. 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.

ORDINANCE 2015-02:

Councilwoman Schmidt made a motion to Adopt Ordinance 2015-02 with a second by Councilman Knoble.

**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

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

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

ORDINANCE 2015-02

**NOTICE OF FINAL PASSAGE
AFFORDABLE HOUSING LIAISON**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of May 2015, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of June 2015 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: May 20, 2015

ADOPTED: June 17, 2015

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

OPEN PUBLIC SESSION:

Councilman Berger made a motion to open the public session for Ordinance 2015-03. 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.

ORDINANCE 2015-03:

Councilman Knoble made a motion to Adopt Ordinance 2015-03 with a second by Councilman Berger.

**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 seq.), 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.
 - ii. 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 fees¹

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)

¹It 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.

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.
- 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.
- f) 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.

i) 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 0

Knoble 1

Schmidt 1

Junge 1

Pittinger 1

Berger 1

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

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: _____

Returned to Borough Clerk with
statement attached on _____

Introduced: 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 OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE 2015-03

COAH Development Fees

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of May 2015, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of June 2015 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: May 20, 2015
ADOPTED: June 17, 2015

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

OPEN PUBLIC SESSION:

Councilman Berger made a motion to open the public session for Ordinance 2015-04. 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.

ORDINANCE 2015-04:

Councilman Knoble made a motion to Adopt Ordinance 2015-04 with a second by Councilman Junge.

**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

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 June 17, 2015 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 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 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 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

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

“BOND ORDINANCE PROVIDING FOR IMPROVMENTS 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”,

there was available as a down payment for the purposes authorized by said ordinance \$52,000 by 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 17th day of June, 2015.

KAY WINZENRIED,
Chief Financial Officer

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Clerk

Richard J. Burton, Council President

Vote after public hearing and upon final adoption:

Burton 0

Knoble 1

Schmidt 1

Junge 1

Pittinger 1

Berger 1

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

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:

Michael F. Reino, Mayor
Date: _____

Returned to Borough Clerk with
statement attached on _____

Introduced: 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

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

ORDINANCE 2015-04

PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADWAYS

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 20th day of May 2015, and the same came up for final passage at a meeting of the said Borough Council on the 17th day of June 2015 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: May 20, 2015
ADOPTED: June 17, 2015

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 71-2015:

Councilman Berger made a motion to approve Resolution #71-2015 with a second by Councilman Junge.

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

**RESOLUTION #71-2015
Street Sweeping**

WHEREAS, the Borough of Lebanon would like to provide Street Sweeping services along the 4th of July Parade route, and

WHEREAS, the Borough solicited 3 quotes, and received 1 quotes for this service; and

WHEREAS, Apgar Power Sweeping Corp Inc., has submitted the lowest quote of \$650.000 including equipment for such services.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Lebanon that a Street Sweeping contract for 2012, be awarded to Apgar Power Sweeping Corp. in the amount of \$650.00.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said contract, after review and approval by Borough Attorney Joseph Novak, and upon submittal of a Certificate of Insurance, and all documents required for the contract.

Introduced and adopted:

LEBANON
BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent:

1
Richard J. Burton
Borough Council President

ATTEST:

Karen M. Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Romano Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on June 17, 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.

Date: June 17, 2015

Karen M. Romano, RMC

Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 72-2015:

Councilman Berger made a motion to approve Resolution #72-2015 with a second by Councilman Pittinger.

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

RESOLUTION # 72-2015

**SOCIAL PERMIT
JULY 4TH PARADE**

WHEREAS, an application for Social Permit has been made by the Lebanon Borough July 4th Parade, 6 High Street, Lebanon NJ.; and

WHEREAS, the submitted form is complete and all fees have been waived;

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: June 17, 2015

Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Richard J. Burton,
Borough, Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17th of June 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.

Date: June 17, 2015

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 73-2015:

Councilman Berger made a motion to approve Resolution #73-2015 with a second by Councilman Knoble.

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

RESOLUTION # 73-2015

A RESOLUTION AUTHORIZING THE
CLOSING OF STREETS ON JULY 4TH

BE IT RESOLVED, that the Borough of Lebanon close the following streets on July 4th, 2015, from 8:30AM to 5:00 PM:

MAIN ST from MYRTLE AVE all the way East to the Borough line.

All of MYRTLE AVE
All of BRUNSWICK AVE
All of MAPLE ST.
All of HIGH ST.
All of SUTTON PL.
CHERRY ST. from MAIN ST. to EDGERTON DR.
COKESBURY RD. from MAIN ST. to ROUTE 22

Introduced and adopted: June 17, 2015

Ayes: 5

Nays: 0

Absent: 1

LEBANON BOROUGH COUNCIL

Richard J. Burton, Borough
Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Romano, Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the 17th day of June, 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.

Date: June 17, 2015

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 74-2015:

Councilman Berger made a motion to approve Resolution #74-2015 with a second by Councilwoman Schmidt.

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

**RESOLUTION #74-2015
SALARIES YEAR 2015**

BE IT RESOLVED, by the Lebanon Borough Common Council the following is a schedule of salaries and wages for the various positions in the Borough of Lebanon for the year 2015.

Borough Administrator (Romano)	\$1,390.50 per month
Borough Clerk/PB Sec/BOH Sec/Assess Search Officer (Romano)	\$ 75,315.00
Deputy Clerk/Recreation/Environmental Secretary (Saharic)	\$43,406.00
Senior Club, Shade Tree Committee and Historical Committee Secretary	
Chief Financial Officer/Treasurer (Ciarlariello)	\$19,460.00
Tax Collector (Ciarlariello)	\$16,782.00
Asst. Treasurer (Demaris)	\$18.50 hr.
QPA (Demaris)	\$2,575.00
Tax Assessor (Burd)	\$14,322.00
Dog/Cat Licensing Agent (Saharic)	\$726.00
Registrar of Vital Statistics (Romano)	\$844.00
Deputy Registrar of Vital Statistics (Saharic)	\$844.00
Zoning Officer (Hauck)	\$12,645.00
Park Events Director - Contract (Romano)	\$1,340.00
Adult School Crossing Guard Supervisor	\$26.00/hr.
Adult School Crossing Guards	\$22.75/hr.
Special & Part Time Patrol Officers	\$ 10.00 to 38.00/hr.
Summer Park Program Director - Contract (Junge)	\$3000.00
Recycling Coordinator (Romano)	\$ 3,377.00
Summer Park Counselors	\$ 8.00 to 15.00/hr.
Handyman Services	\$ 11.00 to 25.00/hr.
Clerical Temporary Staff	\$ 8.00 to 20.00/hr.
General Labor	\$ 12.00 to 25.00/hr.
Custodial/Cleaning Service - Contract (Saharic)	Full Service: \$150.00 Partial Service: \$75.00

Mileage Rate as determined by IRS per mile standard

Introduced and adopted: June 17, 2015 LEBANON BOROUGH COUNCIL

Ayes: 5

Nays: 0

Absent: 1
Abstain : 0

Richard Burton, Council President

CERTIFICATION

I, Karen Romano, Lebanon Borough Clerk, hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17th day of June 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: June 17, 2015

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 75-2015:

Councilman Berger made a motion to approve Resolution #75-2015 with a second by Councilman Junge.

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

**RESOLUTION # 75-2015
Declaratory Judgment**

WHEREAS, the Borough of Lebanon has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County in furtherance of the

Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, the Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate every municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Lebanon desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author, has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and thereafter, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and it

is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Lebanon, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Lebanon for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Lebanon and is appended hereto.
4. The Mayor and Administrator/Clerk be and are hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Lebanon in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Lebanon hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Lebanon the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Lebanon will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

Introduced and adopted: June 17, 2015

LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1

Richard Burton
Borough Council President

ATTEST:

Karen M. Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on June 17, 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.

Karen M. Romano, RMC
Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 76-2015:

Councilman Berger made a motion to approve Resolution #76-2015 with a second by Councilman Junge.

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

RESOLUTION # 76-2015

**RESOLUTION AUTHORIZING TAX ASSESSOR TO ACT AS AGENT FOR
BOROUGH OF LEBANON FOR THE PURPOSE OF FILING AND SETTLING TAX
APPEALS ON BEHALF OF THE TAXING DISTRICT FOR THE TAX YEAR 2015**

WHEREAS, the Tax Assessor is knowledgeable regarding the valuation and assessment of properties in the Borough of Lebanon; and

WHEREAS, the Tax Assessor has the statutory responsibility, pursuant to N.J.S.A. 54:4-23 to 36, to set assessments for properties in Lebanon Borough under the Local Property Tax, N.J.S.A. 54:4-1 et seq; and

WHEREAS, the governing body of the Taxing District deems the Tax Assessor to be responsible and acting in the best interests of the municipality;

THEREFORE, BE IT RESOLVED, by the Council of the Borough of Lebanon, that the Tax Assessor is hereby authorized to act as agent for the Taxing District without further governing body approval to;

(a) determine when tax appeals, cross appeals, complaints and counterclaims should be filed on behalf of the Taxing District with regard to any property located in Lebanon Borough and accordingly direct the attorney for the Taxing District to file such documents with either the County Tax Board or Tax Court of New Jersey as deemed appropriate;

(b) resolve and settle tax appeals pending before the County Tax Board, Tax Court or Appellate Courts for any tax year and authorize the attorney for the Taxing District to formalize such settlements in the appropriate Courts and/or County Tax Board.

ADOPTED at a regular meeting of Lebanon Borough Council held June 17, 2015.

Introduced and adopted: June 17, 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 June 17, 2015 force and effect as of the date I have subscribed my signature.

Date: June 17, 2015

Karen M. Romano, RMC

Borough Administrator/Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 77-2015:

Councilman Berger made a motion to approve Resolution #77-2015 with a second by Councilman Knoble.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #77-2015**

**A RESOLUTION AUTHORIZING THE CHIEF FINANCE
OFFICER TO REFUND ESCROW BALANCES**

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 refund the inspection escrow since the project has not started construction.

7760565619 Gladstone Equities close account \$
13,924.96

Introduced and adopted:

LEBANON
BOROUGH COUNCIL

Ayes: 5

Nays: 0

Absent: 1

Abstain: 0

ATTEST:

Council President, Richard Burton

Karen M. Romano, RMC
Lebanon Borough Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the June 17, 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.

Date: June 17, 2015

Karen M. Romano, RMC
Lebanon Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 78-2015:

Councilman Berger made a motion to approve Resolution #78-2015 with a second by Councilman Pittinger.

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

**RESOLUTION #78-2015
Park School Counselors**

BE IT RESOLVED, by the Lebanon Borough Common Council that the following are appointed as Park School Counselors:

Elizabeth Pittinger
Adrianna Burton
Kayson Woolford
Sarah Sylvestre
Alyssa Gruber
Brielle Smith
Jillian Schneider

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the Park School Counselor having been established and set forth in Ordinance #2014-04, the following salary is hereby granted to the employee for the year 2015:

Elizabeth Pittinger \$ 9.00

Adrianna Burton	\$ 9.00
Kayson Woolford	\$ 8.50
Sarah Sylvestre	\$ 8.50
Alyssa Gruber	\$ 8.50
Brielle Smith	\$ 8.50
Jillian Schneider	\$ 8.50

Introduced and adopted: June 17, 2015 LEBANON BOROUGH COUNCIL

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

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 17th day of June 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: June 17, 2015

Karen M. Romano, RMC
Borough Administrator/ Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 79-2015:

Councilman Berger made a motion to approve Resolution #79-2015 with a second by Councilman Pittinger.

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

RESOLUTION # 79-2015

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION**

NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Lebanon in the County of Hunterdon, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00, which is now available from 2014 Clean Communities Grant in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption 2015 Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from Sate of New Jersey in the amount of \$4,000.00.

Introduced and adopted: June 17, 2015

Ayes: 5
Nays: 0
Absent: 1

LEBANON BOROUGH COUNCIL

Richard J. Burton,
Borough, Council President

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 80-2015:

Councilman Berger made a motion to approve Resolution #80-2015 with a second by Councilwoman Schmidt.

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

RESOLUTION 80-2015

**TO COMPLY WITH PROMULGATIONS OF THE LOCAL
FINANCE BOARD FOR REVIEW OF THE ANNUAL (2014) AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments, Recommendations, and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments, Recommendations as evidenced by the group affidavit form of the Governing Body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body, who after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the Borough of Lebanon hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified

copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Introduced and adopted: June 17, 2014

LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1

Richard J. Burton, Borough
Council President

ATTEST:

Karen Romano, RMC
Borough Clerk

CERTIFICATION

I, Karen M Romano, Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17th day of June, 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.

Date: June 17, 2015

Karen M Romano, RMC
Borough Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *Hunterdon*

We, members of the governing body of the Borough of Lebanon, in the County of Hunterdon, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Common Council of the Borough of Lebanon in the county of Hunterdon;

2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2014;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Michael F. Reino, Mayor	x
Richard J. Burton, Council President	x
Barbara Schmidt , Councilwoman	x
Sam Berger, Councilman	x
John Knoble, Councilman	x
James Pittinger, Councilman	x
Robert Junge, Councilman	x

Sworn to and subscribed before me this
17th day of June 2015
Notary Public of New Jersey

Karen M Romano
Borough Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

RESOLUTION 81-2015:

Councilman Berger made a motion to approve Resolution #81-2015 with a second by Councilman Knoble.

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

RESOLUTION # 81-2015

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 cancellation of Dog License Fees.

<u>Year</u>	<u>Amount</u>
2014	\$1.20

Introduced and adopted: June 17, 2015

LEBANON BOROUGH COUNCIL

Ayes: 5
Nays: 0
Absent: 1

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 June 17, 2015

Karen Romano
Borough Administrator/ Clerk

The motion was passed by the following vote:

YES: Councilman Knoble, Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

NO: None

ABSTAIN: None

ABSENT: Council President Burton

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 8:45 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBCC

6-17-15

53

LBCC

6-17-15

54

LBCC
7-17-13
55

LBCC
7-17-13
56

LBCC

2-20-13

57

