



LEBANON BOROUGH COMMON COUNCIL
October 19, 2016

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 8330 of American Service Members have given their lives for our Country in the war against terrorism, New Jersey total remains at 152. 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, Council President Burton, Councilman Piagentini; Councilman Berger, Councilwoman Schmidt, Councilman Pittinger and Councilman Junge

Absent:

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

RESOLUTION #104-2016:

Councilman Berger made a motion to approve Resolution 104-2016 the Consent Agenda with a second by Councilman Piagentini.

**RESOLUTION # 104-2016
CONSENT AGENDA
October 19, 2016**

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. Letter from the Commons
2. NJDOT letter
3. Finance September Report
4. Bond Rating
5. Tax assessor report

Introduced and adopted: October 19, 2016

Ayes: 6

Nays: 0

Absent: 0

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the October 19, 2016 force and effect as of the date I have subscribed my signature.

Date: October 19, 2016

Karen M. Romano, RMC
Borough Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: None

APPROVAL OF MINUTES:

Council President Burton made a motion to accept the Regular and Executive Meeting minutes of September, and Special Minutes of October 2016. With a second by Councilman Junge.

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: None

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for October 2016. Council President Burton seconded the motion.

List of Bills - (All Funds)

Vendor	Description	Current Fund	Payment	Check Total
674 - ACE OFFICE SOLUTIONS LLC	PO 7835 COPIER LEASE FOR 6/23-9/22/16 ACCT		1,224.53	1,224.53
589 - AUTOMATIC TEMPERATURE CONTROL SVCS,	PO 7335 2016 SERVICE & PREVENTIVE MAINTENAN		805.00	805.00
733 - BALLY'S ATLANTIC CITY	PO 7858 RESERVATIONS FOR LEAGUE OF MUNICIPA		1,096.00	1,096.00
247 - COMCAST	PO 7836 INTERNET/PHONE SVC FOR SEPTEMBER 20		434.40	434.40
652 - CONSTELLATION NEWENERGY INC	PO 7837 ENERGY SVC, ACCT 1-DHUSOH/1-DHUSOY/		1,016.01	1,016.01
152 - NEW JERSEY PRESS MEDIA, LLC	PO 7841 LEGAL AD - BID NOTICE, ACCT ASB-203		78.00	78.00
173 - EHS INNOVATORS	PO 7842 MOLD INSPECTION AND REPORT, INV 201		1,990.00	1,990.00
46 - FERRIERO ENGINEERING	PO 7861 ENGINEERING SVCS, SEPTEMBER 2016 CL		195.00	195.00
99 - GRAMCO INC	PO 7843 MAINTENANCE CONTRACT FOR RECORDER A		296.88	296.88
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 7426 DENTAL INSURANCE FOR NOVEMBER 2016		245.81	245.81
54 - NJ ADVANCE MEDIA	PO 7874 LEGAL AD -- BID NOTICE, ACCT ASB-203		269.94	269.94
431 - INTELLI-SHRED, LLC	PO 7862 OCT 2016 SHREDDING EVENT, INV 00249		684.00	684.00
16 - JCP&L	PO 7844 6 HIGH ST ELECTRIC SVC, ACCT 200000		661.46	661.46
16 - JCP&L	PO 7873 STREET LIGHTING, ACCT 100002994224/		115.91	115.91
685 - JEFFREY R SURENIAN & ASSOC.LLC	PO 7856 FUNDING OF THE MUNICIPAL GROUP		5,000.00	5,000.00
597 - JERSEY ELEVATOR COMPANY INC.	PO 7845 ELEVATOR MAINTENANCE, ACCT 5487A-MN		137.63	137.63
167 - KAREN ROMANO	PO 7436 CELL PHONE REMIBURSEMENT- OCT 2016		100.00	100.00
167 - KAREN ROMANO	PO 7846 REIMBURSE PAYMENT FOR MUNICIPAL CLE		50.00	50.00
167 - KAREN ROMANO	PO 7863 REIMBURSE FOR MAILING		102.43	102.43
167 - KAREN ROMANO	PO 7879 RMC RENEWAL REIMBURSEMENT		50.00	50.00
167 - KAREN ROMANO	PO 7880 NJRA 2016 FALL MEETING IN ATLANTIC		65.00	65.00
557 - LANDMARK FIRE PROTECTION, INC.	PO 7638 3RD QTR FIRE TESTING AND INSPECTION		437.50	437.50
715 - MASER CONSULTING P.A.	PO 7774 MUNICIPAL PLAN/CONSULTING, PROJ LEB		296.25	296.25
562 - MID-STATE REGISTRARS ASSOC.	PO 7497 SEMINAR 3-8-16 & 2016 MEMBERSHIP K		60.00	60.00
562 - MID-STATE REGISTRARS ASSOC.	PO 7864 SEMINAR OCT 27, 2016 FOR KAREN ROMA		15.00	15.00
253 - NEW JERSEY STATE POLICE	PO 7848 POLICING SVCS FOR AUGUST 2016, INV		2,738.96	2,738.96
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 7832 LEAGUE CONFERENCE PRE REGISTRATION		275.00	275.00
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 7833 WOMEN IN GOVERNMENT BREAKFAST/LEAGU		70.00	70.00
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 7857 EMPLOYMENT AD FOR TAX COLLECTOR & F		310.00	310.00
31 - NOVAK & NOVAK LLC	PO 7446 LEGAL SERVICES OCTOBER 2016		3,350.00	3,350.00
37 - PITNEY BOWES - RESERVE ACCOUNT	PO 7475 POSTAGE ACCT#23279953,		930.00	930.00
28 - PREMIER DISPOSAL, INC	PO 7484 TRASH REMOVAL SVC FOR SEPTEMBER 201		4,843.57	4,843.57
20 - QUILL CORPORATION	PO 7849 OFFICE SUPPLIES, ACCT C671593		357.92	357.92
476 - R & L DATA CENTERS, INC.	PO 7850 PAYROLL SVC FOR SEPTEMBER 2016, ACC		328.32	328.32
68 - READY REFRESH	PO 7851 BOTTLED WATER, ACCT 0430758649		25.22	25.22
78 - STRYKER HEATING & COOLING INC	PO 7826 SEWER LINE BACK UP 9-15-16		369.00	369.00
390 - TELE-DATA SOLUTIONS, INC.	PO 7466 MAINTENANCE CONTRACT FOR NOVEMBER 2		116.67	116.67
43 - TOWN OF CLINTON	PO 7866 FIRE HYDRANT FEE FOR JULY, AUG, SEP		6,287.25	6,287.25
560 - TREASURER-STATE OF NJ	PO 7871 MARRIAGE LICENSE FEE 3RD QUARTER		75.00	75.00
348 - VAIL ENERGY SERVICES, LLC	PO 7336 2016 SERVICE & PREVENTIVE MAINTENAN		308.00	308.00
718 - VIKING PEST CONTROL	PO 7852 PEST CONTROL SERVICES, ACCT 1217337		48.00	48.00
11 - VITAL SERVICES GROUP	PO 7870 2016 MASTER FILE WITH ADDED ASSESSM		100.00	100.00
27 - WASTE MANAGEMENT OF NJ INC	PO 7868 WASTE REMOVAL SVC FOR SEPTEMBER 201		3,672.00	3,672.00
GENERAL CAPTITAL FUND				
46 - FERRIERO ENGINEERING	PO 7869 INLET/DRAINAGE PROGRAM, INV 72540 &		2,729.00	2,729.00
SENIOR CITIZEN FUND				
400 - MARY ANN BADORE	PO 7829 BUS DRIVERS TIP 10/06/16 OCTOBERFES		66.00	66.00
176 - SHOPRITE OF HUNTERDON COUNTY	PO 7853 SENIOR CLUB SUPPLIES, ACCT 20457		88.51	88.51
711 - THE GRAMERCY AT LAKESIDE MANOR	PO 7828 SENIOR TRIP OCTOBER 6, 2016 OCTOBE		1,418.00	1,418.00
DEVELOPERS ESCROW				
369 - STICKEL KOENIG & SULLIVAN & DRILL L	PO 7872 PLANNING BD.BD OF ADJ - ANTHONY FRA		495.00	495.00
TOTAL				44,428.17
Total to be paid from Fund 01 Current Fund		39,631.66		
Total to be paid from Fund 04 GENERAL CAPTITAL FUND		2,729.00		
Total to be paid from Fund 13 SENIOR CITIZEN FUND		1,572.51		
Total to be paid from Fund 14 DEVELOPERS ESCROW		495.00		
				44,428.17

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on September 21, 2016 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 October 19, 2016 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano,
Borough Administrator/ Clerk

ORDINANCE 2016-03

AN ORDINANCE AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR REPAIRS TO MUNICIPAL FACILITIES

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 21st day of September 2016, and the same came up for final passage at a meeting of the said Borough Council on the 19th day of October 2016 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: September 21, 2016
ADOPTED: October 19, 2016

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

ORDINANCE 2016-04:

Councilman Burton made a motion to Introduction Ordinance 2016-04 with a second by Councilman Junge

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

ORDINANCE NO. 2016-04

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE
BOROUGH OF LEBANON TO UPDATE SUBMISSION REQUIREMENTS FOR
APPLICATIONS FOR DEVELOPMENT**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to both the State’s and Borough’s Environmental Resource Inventories, Master Plan, and Land Use Ordinance, which together are intended to

achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Borough of Lebanon is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Lebanon has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within the Planning Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Environmental Commission, Planning Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Preservation Area Rules (N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council, as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area, which include the whole of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

WHEREAS, the Highlands Act was adopted to assure the protection of a municipal water resource, any outside agency of the municipality shall be required to purchase that resource at an agreed to rate to offset costs to that water resource municipality.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Lebanon that the Land Use Ordinance of the Borough of Lebanon be and is hereby amended to incorporate the following provisions in a new Article, Article 21:

21.01 APPLICABILITY

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Borough Highlands Area (as illustrated in Exhibit 1, “Borough of Lebanon Highlands Area”) that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter (1/4) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

- A. Landfills;
- B. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;

- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- D. Industrial treatment facility lagoons; or
- E. Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 4 below.

For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided at Section 4 below.

21.02 ADMINISTRATIVE COMPLETENESS

A. CONSISTENCY DETERMINATIONS REQUIRED. No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Borough land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.B below, by the Applicant’s professional(s) that the application has been since review by the Highlands Council revised to achieve consistency with the Highlands Regional Master Plan.

B. FINDINGS OF INCONSISTENCY. Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Borough land use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant’s plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

C. COMPLETENESS WAIVER. The Borough may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Borough that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 3.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or-4. development proposed in the Application

for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. HIGHLANDS COUNCIL CALL-UP. All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review and shall specifically include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality.

21.03 EXCLUSIONS AND EXEMPTIONS

A. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
3. Any Agricultural or Horticultural Use or Development that would not result in either:
 - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
 - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act. exemption shall be exempt from the

provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption.

21.04 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Agricultural or Horticultural Development – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural or Horticultural Use – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural Impervious Cover – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement,

or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Farm Management Unit – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

NJDEP – New Jersey Department of Environmental Protection

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Public Community Well – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

Public Non-Community Well – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Solar Panel – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 *et seq.*, as amended.)

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SEVERABILITY

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

REPEALER

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

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Michael Reino, Mayor

ATTEST:

Karen M. Romano
Borough Administrator/ Clerk

Vote after public hearing and upon final adoption:

Berger _____ Ordinance approved by the Governing Body and presented
to the Mayor on _____, 2016
Burton _____
Junge _____
Knoble _____
Pittinger _____
Schmidt _____

Veto in Whole or
Part:

Approved:

Michael Reino, Mayor
Date: _____

Michael Reino, Mayor
Date: _____

Returned to Borough Clerk with statement attached on _____, 2016

The motion was passed by the following vote:

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

RESOLUTION #105-2016:

**Councilman Piagentini made a motion to approve Resolution #105-2016
with a second by Councilman Berger.**

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

RESOLUTION #105-2016

**RESOLUTION AUTHORIZING THE APPOINTMENT
OF PUBLIC AGENCY COMPLIANCE OFFICER**

WHEREAS, N.J.A.C. 17:27-3.3, requires each Public Agency to designate an individual to serve as its Public Agency Compliance Officer; and

WHEREAS, a vacancy exists in the position of Public Agency Compliance Officer for the Borough of Lebanon; and

WHEREAS, the Governing Body of the Borough of Lebanon desire to appoint a Public Agency Compliance Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, that the following appointment is approved:

Karen M Romano
Public Agency Compliance Officer
Term: 10/19/2016 - 12/31/2016

Introduced and adopted: _____ LEBANON BOROUGH COUNCIL

Ayes: 6

Nays: 0

Absent: 0

Richard J Burton
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that the foregoing to be a true copy of a Resolution adopted by the Borough of Lebanon Council at a meeting duly held on October 19, 2016 and 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: October 19, 2016

Karen M. Romano
Borough Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION #106-2016:

Council President Burton made a motion to approve Resolution #106-2016 with a second by Councilman Berger.

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

RESOLUTION #106-2016

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Lebanon; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Lebanon, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public

right-of-way.

- B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Lebanon.
- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Lebanon, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public.
right-of-way, except to the extent resulting from the acts or omissions of the Borough of Lebanon.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. . Verizon Wireless shall include the Borough of Lebanon as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Lebanon nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of

the Borough of Lebanon by the Borough Common Council of the Borough of Lebanon and attested to by Borough of Lebanon Clerk who shall affix the Borough of Lebanon Seal thereto.

- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Lebanon by parties that have the lawful right to maintain such poles

Introduced and adopted: _____ LEBANON BOROUGH COUNCIL

Ayes: 6
Nays: 0
Absent: 0

Richard Burton
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/Clerk

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk hereby certify that the foregoing to be a true copy of a Resolution adopted by the Borough of Lebanon Council at a meeting duly held on October 19, 2016 and 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: October 19, 2016

Karen M. Romano
Borough Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: Councilman Pittinger

RESOLUTION #107-2016:

Council President Burton made a motion to approve Resolution #107-2016 with a second by Councilman Pittinger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 107-2016**

**AWARDING OF SNOW REMOVAL AND ICE CONTROL SERVICES
FOR
THE 2016-2018 WINTER SEASON**

WHEREAS, the removal of snow and ice control services are required for maintenance of public roads and property during the coming winter season; and

WHEREAS, a quotation package was prepared and ten quotes were solicited, however, two companies have quoted to provide the services, that company, Balaney Contracting, LLC
1 Shipman Rd. Stewartsville, NJ 08886 being the supplier of Snow Removal services to the Borough; and

WHEREAS, the quote has been reviewed and it has been determined that the quote is a qualified provider of such services.

NOW THEREFORE BE IT RESOLVED by the Lebanon Borough Council that a contract for the provision of snow removal and ice control services for the 2016-2018 winter season be entered into with Balaney Contracting, LLC

BE IT FURTHER RESOLVED that the Mayor, President and Clerk are authorized to execute such Contract on behalf of the Borough of Lebanon.

Introduced and adopted October 19, 2016:

Ayes: 6
Nays: 0
Absent: 0

Richard J. Burton, Council
President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the October 19, 2016 force and effect as of the date I have subscribed my signature.

Date: October 19, 2016

Karen M. Romano, RMC
Borough

Administrator/Clerk

The motion was passed by the following vote:

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

NO: None

ABSTAIN: None

ABSENT: None

OPEN PUBLIC SESSION:

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

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

MISCELLANEOUS:

DISCUSSION:

COUNCIL COMMITTEES:

ADJOURN:

Councilman Piagentini moved and Councilman Berger seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:15 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBCC

10-19-16

1

LBCC
7-17-13
6

LBCC
7-17-13
7

