



LEBANON BOROUGH COMMON COUNCIL
Wednesday, January 17, 2018

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor Michael F. 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 8398 of American Service Members have given their lives for our Country in the war against terrorism, New Jersey total remains at 157. 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, Councilman Junge, Councilman Schneider
and Councilwoman Baldinger

Absent: None

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

RESOLUTION #52-2018:

**Councilman Berger made a motion to approve Resolution 52 -2018 the Consent Agenda.
With a second by Councilman Junge.**

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

**RESOLUTION # 52-2018
CONSENT AGENDA**

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. Township of Readington Bee Resolution
2. Highlands Task 4
3. NJ General Assembly Thank you
4. NJLM Louis Bay Scholarship
5. Highland Scope of work
6. HC Parks and Rec
7. Raritan Valley Rail Coalition

Introduced and adopted: January 3, 2018

Ayes: Burton, Berger, Piagentini, Junge, Schneider, Baldinger

Nays: 0

Absent: 0

LEBANON BOROUGH COUNCIL

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 January 17, 2018 force and effect as of the date I have subscribed my signature.

Date: January 17, 2018

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger,
Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

APPROVAL OF MINUTES:

Councilman Junge made a motion to approve the December 2017 and January Reorg minutes. With a second by Councilman Berger.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger,
Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for January 2018. Councilman Piagentini second the motion.

List of Bills - (All Funds)

Meeting Date: 01/17/2018 For bills from 12/21/2017 to 01/16/2018

Vendor	Description	Payment	Check	Total
Current Fund				
674 - ACE OFFICE SOLUTIONS LLC	PO 8760 Copier Fees 9/23/17-12/22/17	1,194.56		1,194.56
712 - ALPHA DOG SOLUTIONS, INC.	PO 8748 Website Maintenance Jan-April 2018	1,200.00		1,200.00
403 - AMERICAN PROTECTIVE SYSTEMS, INC	PO 8773 2018 Annual Fire Alarm System	1,512.12		1,512.12
745 - BALANEY CONTRACTING LLC	PO 8758 Snow Removal 12/13 and 12/30/2017	2,836.00		2,836.00
26 - BOROUGH OF LEBANON - PETTY CASH	PO 8776 Replenish petty Cash	186.09		186.09
744 - CLINTAS CORPORATION	PO 8772 Lifeready AED Management	179.80		179.80
247 - COMCAST	PO 8769 6 High St. Telephone January 2018	261.81		261.81
	PO 8770 96 Main St. Telephone January 2018	148.38		148.38
	PO 8743 Electric Service	644.23		644.23
652 - CONSTELLATION NEWENERGY INC	PO 8752 Food Inspections	1,400.00		1,400.00
132 - COUNTY OF HUNTERDON	PO 8783 1st Qtr 2018 County Tax	248,487.04		248,487.04
13 - COUNTY OF HUNTERDON - COUNTY TAX	PO 8784 1st Qtr 2018 County Library Tax	24,941.37		24,941.37
14 - COUNTY OF HUNTERDON - LIBRARY TAX	PO 8785 1st Qtr 2018 County Open Space Tax	24,606.29		24,606.29
15 - COUNTY OF HUNTERDON- OPEN SPACE TAX	PO 8744 Natural Gas	832.46		832.46
39 - ELIZABETHTOWN GAS	PO 8750 2018 Maintenance Contract	1,425.00		1,425.00
99 - GRAMCO INC	PO 8755 Tax Appeals November 2017	472.50		472.50
670 - HARRY HAUSHALTER				

83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 8753	Dental Services January 2018	201.31	201.31
16 - JCP&L	PO 8754	Electricity Service	794.84	794.84
167 - KAREN ROMANO	PO 8779	Fireworks Permit for Burning of the	54.00	54.00
167 - KAREN ROMANO	PO 8780	Cell Phone Reimbursement January 20	100.00	100.00
559 - LANZA & LANZA LLP	PO 8774	Lebanon Boro vs. SSP Architectural	1,164.80	1,164.80
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 8765	School Taxes January 2018	265,483.30	265,483.30
119 - LEBANON FIRE COMPANY	PO 8781	Partial payment of 2018 annual cont	10,000.00	10,000.00
119 - LEBANON FIRE COMPANY	PO 8782	Payment towards ladder truck repair	10,000.00	10,000.00
715 - MASER CONSULTING P.A.	PO 8751	Planning Boasrd Services	99.00	99.00
322 - MCCFC	PO 8747	2018 Morris County Co-Op	1,100.00	1,100.00
253 - NEW JERSEY STATE POLICE	PO 8745	Police Services November 2017	3,521.52	3,521.52
54 - NJ ADVANCE MEDIA	PO 8756	Advertising	14.34	14.34
42 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 8749	2018 Membership	277.00	277.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 8766	Regional School Taxes January 2018	220,685.83	220,685.83
31 - NOVAK & NOVAK LLC	PO 8778	Legal Services Retainer-january 201	3,350.00	3,350.00
28 - PREMIER DISPOSAL, INC	PO 8746	Garbage Disposal December 2017	4,843.57	4,843.57
176 - SHOFRLITE OF HUNTERDON COUNTY	PO 8775	Food for Holiday Party, Seniors lun	337.70	337.70
765 - Tele Cloud, LLC	PO 8757	Phone Services January 2018	230.54	230.54
43 - TOWN OF CLINTON	PO 8767	Hydrants 4th Qtr 2017	6,287.25	6,287.25
718 - VIKING PEST CONTROL	PO 8768	Pest Control January 2018	110.56	110.56
27 - WASTE MANAGEMENT OF NJ INC	PO 8771	Trash Removal Services December 201	2,904.00	2,904.00

FEDERAL AND STATE GRANTS

555 - A. PATULLO POWER WASH INC.	PO 8786	Leaf disposal at Chen Farms	300.00	300.00
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ANIMAL CONTROL FUND

466 - ANIMAL CONTROL SOLUTIONS, LLC	PO 8761	Animal Control Coverage January 201	250.00	250.00
26 - BOROUGH OF LEBANON - PETTY CASH	PO 8777	Replensih Petty cash	3.51	3.51

SENIOR CITIZEN FUND

752 - Good Times Tours, Inc	PO 8762	Seniors Trip Mummies Museum Aug 16,	400.00	
	PO 8763	Seniors Trip Crystal Point Yacht Cl	400.00	
	PO 8764	Seniors Trip Kruckers Picnic Grove	300.00	1,100.00

DEVELOPERS ESCROW

745 - BALANEY CONTRACTING LLC	PO 8759	Snow Removal 12/15/17	773.00	773.00
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TOTAL

844,313.72

Total to be paid from Fund 01 Current Fund	841,887.21
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	300.00
Total to be paid from Fund 12 ANIMAL CONTROL FUND	253.51
Total to be paid from Fund 13 SENIOR CITIZEN FUND	1,100.00
Total to be paid from Fund 14 DEVELOPERS ESCROW	773.00
	=====
	844,313.72

Checks Previously Disbursed

1152018	NJ STATE HEALTH BENEFITS PLAN	PO# 8742	Health Benefits	4,283.43	1/16/2018
10480	PITNEY BOWES - RESERVE ACCOUNT	PO# 8741	POSTAGE FOR MACHINE	400.00	1/05/2018

				4,683.43	

Total paid from Fund 01 Current Fund	4,683.43

	4,683.43

Total for this Bills List: 848,997.15

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger, Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

Mayor Reino appointed Ben Valliere of Brunswick Ave to the Environmental Commission, Shade Tree Committee and Historical Committee.

Mr. Valliere Thanked Mayor Reino

OPEN PUBLIC SESSION:

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

STREET OPENING: 134 Main Street

Councilman Junge made a motion to approve the Street Opening at 134 Main Street for Elizabethtown Gas with a second by Councilman Berger.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger,
Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

ORDINANCE #2018-01:

Councilman Berger made a motion to Introduce Ordinance #2018-01 with a second by Councilman Piagentini.

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

ORDINANCE NO. 2018-01

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON TO
ESTABLISH A BUREAU OF FIRE SAFETY ACT AND FIRE CODE ENFORCEMENT
OF THE UNIFORM FIRE SAFETY ACT AND FIRE CODE**

WHEREAS, the Governing Body has determined that it is appropriate and necessary to establish a Bureau of Fire Safety Act and Fire Code Enforcement of the Uniform Fire Safety Act and Fire Code.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Lebanon, with the Approval of the Mayor, that the Uniform Fire Code shall be enforced by the Lebanon Borough Bureau of Fire Safety, herein adopted and established as follows:

SECTION 1. FIRE CODE AND BUREAU OF FIRE SAFETY

ARTICLE 1: UNIFORM FIRE CODE

§ 1 Local enforcement.

Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq., shall be locally enforced in the Borough of Lebanon.

§ 2 Bureau of Fire Safety.

The local enforcing agency shall be the Bureau of Fire Safety of the Borough of Lebanon.

The Bureau of Fire Safety shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough other than: owner-occupied one- and two-family dwellings; premises owned by or leased to and maintained by the federal government or any agency or instrumentality thereof; and interstate agencies, the State of New Jersey, or any agency or instrumentality thereof. In undertaking such enforcement, the Bureau of Fire Safety shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 3 Organization.

The Bureau of Fire Safety, is designated as the local enforcing agency, and the Fire Marshal or designee under a Shared Services Agreement, shall be the chief administrator of the Bureau of Fire Safety and shall coordinate day-to-day Bureau responsibilities with the Fire Chief of the Lebanon Borough Volunteer Fire Department.

§ 4 Fire Marshal; inspectors and employees.

A. Appointment of Fire Marshal. The Bureau of Fire Safety shall be under the supervision of the Fire Marshal, who shall be appointed by the Mayor, with the advice and consent of the Council following a recommendation by the Borough Administrator, who shall receive input from the Fire Chief; or such designee under a Shared Services Agreement.

B. Term of office. The Fire Marshal shall serve for a term of two years. Upon a vacancy in the office prior to the end of the two-year term, the new Fire Marshal's two-year term shall commence upon appointment by the Mayor with the advice and consent of the Council pursuant to resolution.

C. Inspectors and employees. Such inspectors and other employees of the Bureau of Fire Safety as may be necessary shall be appointed by the Administrator pursuant to Borough policy.

D. Removal from office. All employees of the Bureau of Fire Safety shall be

subject to disciplinary action, including but not limited to removal, pursuant to Borough personnel policies. An employee so removed shall be afforded an opportunity to be heard by a hearing officer designated by the Mayor and Council. The determination of the hearing officer shall be final.

§ 5 Appeals to County Board of Appeals.

Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Safety shall have the right to appeal to the Construction Board of Appeals of the County of Hunterdon.

§ 6 Inspection of Life-hazard uses.

The Bureau of Fire Safety shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the New Jersey Commissioner of Community Affairs.

§ 7 Annual Registration of Non-Life Hazard Uses

A. Non-life hazard use registrations shall be processed by the Bureau of Fire Safety in compliance with the Uniform Fire Code.

B. All Borough of Lebanon owned property shall be exempt from the registration fees required under this chapter except as it pertains to life-hazard uses.

C. In addition to the inspections required by the Uniform Fire Code, the owners of businesses and of other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the Uniform Fire Code shall register annually with the Bureau of Fire Safety within 30 days of notice. Failure to comply will result in assessment of a penalty of \$250.00.

D. Owners of the aforesaid uses not classified as life hazard uses by the Uniform Fire Code shall pay to the Borough of Lebanon or their designee, registration fees determined by the gross floor area of the use as follows:

Under 499 square feet	\$50.00
500 square feet to 999 square feet	\$80.00
1,000 square feet to 2,999 square feet	\$100.00
3,000 square feet to 5,999 square feet	\$125.00
6,000 square feet to 11,999 square feet	\$175.00
12,000 square feet to 24,000 square feet	\$300.00
For each additional 1,000 Square feet 24,000 square feet	\$25.00

- Retail or commercial common area: \$175.
- As to multiple-family residential dwellings:

- (a) Any number of units: \$30 per unit.
- (b) Multiple-family dwelling common area: \$100.

E. The payment of the above fees shall be the responsibility of the occupant of the premises, except that the fee for Retail or Commercial Common area shall be the responsibility of the property owner. Fees are subject to change from time to time upon adoption of an updated ordinance or the discovery of additional square footage in a structure or separate structure(s) that were not previously identified.

F. Failure to pay registration fees: It shall be unlawful to refuse or fail to pay a registration fee after being given notice to do so as per the established fee schedule in this chapter, pursuant to the Uniform Fire Safety Act. Any penalties assessed are in addition to other penalties previously assessed.

§ 8 Miscellaneous Fees.

A. Pursuant to the Uniform Fire Code, upon the request of the owner or bona fide purchaser of a building or structure, the Fire Marshal shall issue a certificate either enumerating the violations indicated by its records to be abated and the penalties or fees indicated to be unpaid or stating its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Such request shall be in writing and accompanied by a fee of \$25.00.

B. Any person who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties.

§ 9 Smoke Alarm, Carbon Monoxide Alarm, Fire Extinguisher Compliance Inspection:

Before any residential property is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher compliance (CSACMAPFEC). The application fees for CSACMAPFEC, as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupancy is expected as follows:

A. Requests for CSACMAPFEC received more than ten (10) business days prior to change of occupancy shall be fifty (\$50.00) dollars.

B. Requests for CSACMAPFEC received four to ten (4-10) business days prior to the change of occupancy shall be ninety (\$90.00) dollars.

C. Requests for CSACMAPFEC received fewer than four (4) business days prior to the change of occupancy shall be one hundred sixty one (\$161.00) dollars.

D. A no-show or failed-inspection shall be subject to a \$50.00 re-inspection fee. A no show inspection means:

- (1) The owner/agent fails to meet inspector within five (5) minutes of the appointed time for inspection or reinspection;

(2) The owner/agent does not have a key or is unable to give the Fire Marshal or designee access to the premises for the scheduled inspection or reinspection; or

(3) Electrical power to a premises is disconnected and smoke alarm(s) to be tested are powered by electrical current from the building wiring system.

E. An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section when the premises do not comply with the requirements hereof, or without complying with the inspection and certification requirements hereof, shall be subject to a penalty of not more than five hundred (\$500.00) dollars. This penalty shall be separate and distinct from penalties assessed under the Uniform Fire Safety Act, N.J.S.A. 52:27D-198.3..

§ 10 Fire Permit Fees.

The following fees are hereby established for the types of permits described in the New Jersey Uniform Fire Code at N.J.A.C. 5:70:2.9(c)

- Type 1 – \$60.00
- Type 2 - \$214.00
- Type 3 - \$427.00
- Type 4 – \$641.00
- Type 5 – Reserved

§ 11 Violations; penalties.

A. The provisions of this article shall be enforced pursuant to the provisions of the Uniform Fire Safety Act.

B. Payment of penalties assessed shall be made in full within 30 days after notice was issued. If not, collection will be referred to the Borough Attorney or designee for summary collection pursuant to the Penalty Enforcement Law, N.J.S.A 2A: 58-10 et seq.

C. Appeals of any such penalties shall be filed with the Hunterdon County Construction Board of Appeals.

ARTICLE II: RAPID ENTRY SYSTEMS

§ 1 Rapid Entry Systems, When required.

A. All buildings within the Borough of Lebanon having an automatic fire detection or suppression system shall be equipped with a rapid entry key lock box. However, this requirement shall not apply to owner-occupied one- and two-family dwellings identified

by the Uniform Construction Code (N.J.A.C. 5:23 et seq.) as R-3 and R-4.

B. All commercial and industrial properties within the Borough of Lebanon protected by fences, gates, and related barriers presently secured by using a padlock, or electronically operated or automatic gates or other control circuits shall be equipped with a high security padlock or high security key switch as approved by the Fire Chief. The high security padlock and key switches shall be located as set forth in §3 of this Article and in a manner as directed by the Fire Chief and/or Fire Marshal.

§ 2 Rapid entry key lock box, high security padlock and key switch types.

The rapid entry key lock box and high security padlock and key switches shall be Underwriter Laboratories (U.L.) certified and approved by the Fire Chief.

§ 3 Location.

The rapid entry key lock box shall be located at or near the main entrance to the building or property. The key lock box shall be mounted at a minimum height of five feet and a maximum of six feet above final grade.

§ 4 Key lock box contents.

The key lock box shall contain labeled keys, easily identified in the field, to provide access into the property and/or building and to any locked areas within said building, and as may be further directed by the Fire Chief.

§ 5 Compliance.

All existing buildings shall comply with the provisions of this article. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply with the requirements of this article prior to the fire detection or fire suppression system being accepted and approved for service.

§ 6 Violations and penalties.

Any property or building owner failing to comply with, or in violation of the terms of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000 and/or by imprisonment for up to 90 days, and/or by a period of community service not exceeding 90 days, in the discretion of the court. Each and every day that such a violation continues shall be considered a separate and distinct violation of this article.

ARTICLE III: Fire Department Connections.

§ 1 Identification .

A. Fire department connection(s) that are located on buildings shall be identified with a sign as detailed in this section on new and existing buildings and shall be enforced in accordance with this article or more restrictive requirements if adopted in the NJ Uniform Fire Code or the Uniform Construction Code.

B. The signs shall be installed above the Fire Department Connection to indicate its

location to approaching fire apparatus. Location of said sign shall be subject to the approval of the Fire Marshal.

C. The signs shall read "FDC," or Fire Department Connection; other approved wording will be subject to the approval of the fire marshal.

D. The sign shall have "FDC" at least 6 inches high or words "Fire Department Connection" with letters at least 2 inches high. All signs shall be subject to the approval of the Fire Marshal.

ARTICLE IV: Interference with Fire Lanes, Fire Connections and Fire Department Operations and Equipment.

§ 1 Designation and Notification of Fire Lanes.

A. Designation. Fire lanes on private property shall be designated in writing by the Fire Marshal of in accordance with the provisions of the Uniform Fire Code N.J.A.C. 5:70-1.1 et seq., as may be amended from time to time.

B Markings.

(1) Signs. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install signs at intervals of one for every one hundred linear feet of fire lane or part thereof, or as otherwise approved by the Fire Marshal. Signs shall have a white reflective background and be provided with red lettering which reads "No Parking - Fire Lane." Such signs shall measure twelve inches by eighteen inches or as approved by the Fire Marshal.

(2) Striping. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install striping as described herein for all fire lanes on improved areas provided as any portion of a fire lane. Fire lanes shall be provided with yellow lines, four inches in width along their entire circumference. The fire lane shall further be provided with diagonal striping, yellow in color and having a minimum width of four inches, spaced at intervals of five feet.

(3) Size. Fire lanes for vehicle access shall be a minimum of twelve feet in width, or as otherwise required by the Fire Marshal. Fire lanes for egress of occupants only shall only be required to be the width of the exit way served.

C Notification. Once a fire lane on private property has been designated by the Fire Marshal in accordance with the requirements of the Uniform Fire Code N.J.A.C. 5:70-1.1 et seq., as may be amended from time to time and properly marked by the property owner, the Fire Marshal shall notify the police department and municipal clerk in writing of the existence and location of such designated fire lane.

§ 2 Enforcement.

The Fire Marshal shall enforce the provisions of this article.

§ 3 Vehicle parking, standing and obstruction prohibited; removal of same.

A. No person, shall park, or otherwise leave unattended any vehicle or place any obstruction in or upon any fire lane at any time; or obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any other fire department connection for the suppression of fires, including fire hydrants and fire department connections that are located in public or private streets and access lanes, or on private property.

B. The Fire Marshal, who may request assistance from the New Jersey State Police, if needed, shall have the authority to remove or have removed such obstructions or vehicles as may violate subsection 133-22A at the expense of the owner of the vehicle or property causing such obstruction.

§ 4 Interference with Fire Department Operations and Equipment

A. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any Fire Department emergency vehicle in any way or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

B. Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Chief, Fire Marshal or recognized incident commander or interfere with the compliance attempts of another individual at a Fire Department operation.

C. Driving over fire hoses. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department, when laid down on any street, alleyway, private drive or any other vehicular roadway, without the consent of the Fire Chief or recognized incident commander in command of said operation.

D. Damaging or reducing effectiveness to fire protection systems It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any fire protection system or reduce the effectiveness at any time.

E. Failure to report. It shall be a violation of this code for any person or persons, having knowledge of same, to fail to report to the Fire Department and/or Fire Marshal a fire or the activation of any fire protection system or device; or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.

§ 5 Violations; penalties.

Any person, firm, corporation, partnership or other entity violating any provision of Article III or Article IV, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order of the Fire Marshal or by a court of competent jurisdiction, within the time required, shall for each and every such violation and noncompliance, be subject to a penalty of not more than \$1250.00 under Articles III and IV. These penalties shall be separate and distinct from the penalties imposed by N.J.A.C. 5:70-2.12. Each and every day a violation occurs shall be deemed a separate and distinct offense. Penalties shall be paid to the Bureau of Fire Safety. The Bureau of Fire Safety shall provide one half of the first occurring penalty amount to the dedicated penalty account for the primary fire department's jurisdiction in which the violation occurred.

SECTION 2.

All other provisions of the Fee Ordinance, Chapters and Articles shall remain unchanged and in full force and effect.

SECTION 3. SEVERABILITY.

In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Vote after public hearing and upon final adoption:

Burton _____
Berger _____
Junge _____
Piagentini _____
Schneider _____
Baldinger _____

Ordinance approved by the Governing
Body and presented to the Mayor on
_____, 2018

Veto in Whole or Part:

Approved:

Michael Reino, Mayor
Date:

{or}

Michael Reino, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2018

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on January 17, 2018 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 February 21, 2018 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger, Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

RESOLUTION #53-2018:

Councilman Junge made a motion to approve Resolution #53-2018 with a second by Councilman Berger.

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

RESOLUTION # 53-2018

**Opposition to the New Jersey Department of Agriculture
proposed beekeeping regulations**

Whereas, New Jersey's state insect is the honey bee; and

Whereas, honey bees are of benefit to mankind, and to New Jersey in particular, by providing plant pollination, recreation for the beekeeper, honey, wax, and other beneficial hive products; and

Whereas, New Jersey is among the leading states in agricultural products dependent on beekeeping throughout the United States, i.e., second in blueberry production and third in cranberry production; and imports over 15,000 honeybee colonies annually for crop pollination; and

Whereas, New Jersey is also the home of many gardeners who, just like commercial farmers, depend upon insect pollination for fruitful orchards and home gardens; and

Whereas, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, which are all characteristics desirable for fostering and maintaining honey bee colonies within all populated areas; and

Whereas, gentle strains of honey bees can be maintained within populated areas in reasonable densities without creating a detriment to public health and safety if the bees are properly located, managed and maintained; and

Whereas, many New Jersey residents desire to provide sustainability and value for New Jersey's home gardeners, farms, and all homeowners with a variety of locally grown vegetables and fruits for New Jersey residents; and

Whereas, the honey bee assists the agricultural community to increase productivity and through sustained productivity maintain an environment that promotes agricultural land use as opposed to development; and

Whereas, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which are now open to public comment, which must be submitted by January 12, 2018: and

Whereas, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot: and

Whereas, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has been determined as permitted, new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted, a person wishing to keep bees as a hobbyist may keep two new hives; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, a person wishing to keep bees as a hobbyist may seek a waiver to keep more than two hives; and

Whereas, these new regulations include a section on Location of Hives, which requires that all hives must be located at least 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet from any public place including playgrounds, sports

fields, schools or churches, unless permission is granted for educational or research purposes, as well as establishing a Flyway Barrier at least six feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending 10 feet beyond the colony in each direction; and

Whereas, The New Jersey Beekeepers Association has been keeping bees at Deerpath/Round Mountain Park, a part of the Hunterdon County Park System, for decades without one complaint or report of stinging; and

Whereas, the New Jersey Beekeepers Association has notified the Township Committee of the Township of Readington that if the new regulations are adopted, at least 10 beekeepers in the Township will be negatively impacted by the Apiary Standards relating to hive density and Location of Hives.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Lebanon which wishes to go on record with the New Jersey Department of Agriculture that the Borough of Lebanon is opposed to the proposed beekeeping regulations which would have a detrimental effect on beekeeping in the Borough of Lebanon as well as throughout New Jersey and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on facts, science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the New Jersey State League of Municipalities; the New Jersey Beekeepers Association; and all Hunterdon County municipalities, urging opposition the adoption of the new beekeeping regulations as proposed by the New Jersey Department of Agriculture.

Introduced and adopted: January 17, 2018

Ayes: Burton, Berger, Piagentini, Junge, Schneider, Baldinger

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 January 17, 2018 force and effect as of the date I have subscribed my signature.

Date: January 17, 2018

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger, Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

RESOLUTION #54-2018:

Councilman Junge made a motion to approve Resolution #54-2018 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #54 -2017
Transfer of funds**

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
01-203-25-240-200	PUBLIC SAFETY-OTHER EXPENSE	3,310.00	
01-203-20-110-201	COMMUNICATION	265.00	
01-203-20-100-200	GENERAL ADMINISTRATION-OTHER EXPENSE	850.00	
01-203-26-305-200	REFUSE COLECTION – OTHER EXPENSE	1,425.00	
01-203-28-370-200	RECREATION		190.00
01-203-31-446-200	NATURAL GAS-OTHER EXPENSE	580.00	

Introduced and adopted January 17, 2018.

LEBANON BOROUGH COUNCIL

Ayes: Burton, Berger, Junge, Piagentini, Schneider, Baldinger

Nays:

Absent

ATTEST:

Richard Burton, Borough Council President

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on January 17, 2018.

Karen Romano, Borough Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger, Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

RESOLUTION #55-2018:

Councilman Piagentini made a motion to approve Resolution #55-2018 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #55 -2017**

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, The Borough of Lebanon 6 High Street Lebanon, NJ 08833 ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2018** terminating on **January 1, 2021** at 12:01 a.m. standard time; and

WHEREAS, the Borough of Lebanon has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Lebanon does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the Borough of Lebanon will be afforded the following coverage(s) :

Workers' Compensation & Employer's Liability
Comprehensive General Liability
Automobile Liability and Physical Damage
Public Officials and Employment Practices Liability
Pollution Liability
Property
Inland Marine Boiler and Machinery
Crime-Faithful Performance and Fidelity
Cyber Liability
Non Owned Aircraft

BE IT FURTHER RESOLVED that Karen M. Romano (*name of ENTITY's elected official or employee*) is hereby appointed as the Borough of Lebanon's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the \Borough of Lebanon; and Richard J. Burton (second ENTITY employee) is hereby appointed as the Borough of Lebanon Alternate Fund Commissioner.

BE IT FURTHER RESOLVED that the Borough of Lebanon's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the Borough of Lebanon's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Name of Member Entity: Borough of Lebanon's

ATTEST:

By: _____

Print Name

Title: Mayor

Introduced and adopted January 17, 2018.

LEBANON BOROUGH COUNCIL

Introduced and adopted: January 17, 2018

Ayes: Burton, Berger, Junge, Piagentini, Schneider, Baldinger

Nays: 0

Absent: 0

Richard Burton, Borough Council President

ATTEST:

Karen Romano
Borough Administrator/ Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on January 17, 2018.

Karen Romano, Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger, Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

RESOLUTION #56-2018:

Council President Burton made a motion to approve Resolution #56-2018 with a second by Councilman Berger.

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

RESOLUTION # 56-2018

**STATEWIDE INSURANCE FUND
STATEWIDE INSURANCE FUND**

INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 1st day of January 2018, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and

in the Borough of Lebanon, County of Hunterdon a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT'S "Resolution to Join" in accordance with the FUND's Bylaws and Risk Management Program.

3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2021**, at 12:01 a.m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.

4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.

6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J. S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

Karen M. Romano

ATTEST:

By: The Borough of Lebanon

Title: Administrator/ Clerk

Clerk

STATEWIDE INSURANCE FUND

By: _____
Chairman

ATTEST: _____
Secretary

Dated: _____

Introduced and adopted: January 17, 2018

Ayes: Burton, Berger, Junge, Piagentini, Schneider, Baldinger

Nays: 0

Absent: 0

LEBANON BOROUGH COUNCIL

Council President, Richard Burton

ATTEST: _____

CERTIFICATION

I, Karen M Romano, Lebanon Borough Administrator/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 January, 2018; 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: January 17, 2018

Karen M. Romano, RMC, CMR
Lebanon Borough Administrator/ Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger,
Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

Council President Burton requested a motion to carryover all unused sick and vacation days of Administrator /Clerk Karen Romano and Deputy Clerk Lisa Saharic. Councilman Berger made the motion to carryover all unused sick and vacation days with a second from Councilman Junge.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Piagentini, Councilman Berger,
Councilman Junge, Councilman Schneider and Councilwoman Baldinger

NO: None

ABSTAIN: None

ABSENT: None

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

DISCUSSION:

MISCELLANEOUS:

COUNCIL COMMITTEES:

ADJOURN:

Councilman Junge moved and Councilman Schneider seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 9:05 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBCC
7-17-13
31

LBCC
7-17-13
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