



LEBANON BOROUGH COMMON COUNCIL
Wednesday, March 18, 2020

The Regular Meeting of the Lebanon Borough Common Council was called to order by Mayor James J Pittinger 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 Pittinger.

MOMENT OF SILENCE:

As of today, a total 8483 of American Service Members have given their lives for our Country in the war against terrorism, New Jersey total remains at 130. Mayor Pittinger 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 Pittinger, Councilwoman Saharic, Council President Burton, Councilman Berger, Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

Absent:

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

RESOLUTION #53-2020:

Councilwoman Saharic made a motion to approve Resolution 53 -2020 the Consent Agenda. With a second by Councilman Junge.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 53-2020
CONSENT AGENDA**

All matters listed under the Consent Agenda are 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. Fire Marshal's Report
2. Animal Control Solutions
3. NJDOT Resurfacing Grant
4. NJ General Assembly 2020 Census
5. Finance Report

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris and Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

APPROVAL OF MINUTES:

Council President Burton made a motion to approve the February 2020 regular meeting minutes. With a second by Councilwoman Saharic.

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

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.

Ben Valliere of Brunswick Ave asked about the Burglary in the Heights. Sgt. Walsh responded by assuring that Lebanon residents had nothing to worry about the incident was not random. He could not comment any further.

Mary Logan of Cherry street asked the status of the Foreclosure Ordinance she submitted. Attorney Novak said it was under attorney review.

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

OPEN PUBLIC SESSION ORDINANCE 2020-01, 2020-02 AND 2020-03:

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

ORDINANCE 2020-01 ZONING MAP CHANGE ADOPTION:

Council President Burton made a motion to Introduce Ordinance 2020-01 with a second from Councilman Berger.

BOROUGH OF LEBANON

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, AMENDING AND SUPPLEMENTING CHAPTER 295, ENTITLED “ZONING”, TO CHANGE THE BOROUGH ZONING MAP AND TO ESTABLISH A NEW R-MF-10 MULTI-FAMILY RESIDENCE 10 DISTRICT, AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough of Lebanon has a constitutionally mandated requirement to provide affordable housing; and

WHEREAS, the Borough Council desires to create additional opportunities for the creation of affordable housing with the Borough; and

WHEREAS, the Borough Council has determined that certain lands known as 135 Main Street, identified as Block 13.02, Lot 22 are suitable for inclusionary development; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Lebanon that a new multi-family residence district shall be established and designated as R-MF-10 Multi-Family Residence District, with the zoning map to be changed to reflect the new district, and to set forth standards and criteria in the district as follows:

SECTION 1.

Chapter 295 entitled “Zoning”, Subsection 295-101 is hereby deleted and replaced with the following new text:

§295-101. Zone Districts.

A. Designation of zoning districts. For the purposes of this Chapter, the Borough of Lebanon is hereby divided into the following districts or zones, which terms may be used interchangeably, to be designated as follows:

One-Family Residence (20,000 square feet)	R-1-20
One-Family Residence (15,000 square feet)	R-1-15

One-Family Residence (professional)	R-1-15P
Multifamily Residence	R-MF
Multifamily / Affordable Housing Element	R-MF/AH
Local Business	C-LB
Research-Office-Manufacturing	ROM-100,000
Research-Office-Manufacturing/Commercial	ROM-C-200,000
Research-Office-Manufacturing/Commercial	ROM-C-100,000
Multifamily Residence 10	R-MF-10

B. Zoning Map. The location and boundaries of the above districts are hereby established on the Zoning Map of the Borough of Lebanon in Hunterdon County, which is attached hereto and made a part of this Article. The Zoning Map is on file in the office of the Borough Clerk. Said map or maps and all notations, references and designations shown thereon shall be a part of this Article as if the same were all fully described and set forth herein, and accordingly are adopted as the March 2020 Lebanon Borough Zoning Map.

C. Designation of zone boundaries.

- (1) Unless otherwise noted, the district boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; and the municipal boundary lines. However, where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.
- (2) In the event that a district boundary line divides one or more lots, then the zone boundary line shall be considered the lot limit for computing all area, bulk, yard, buffer and any other dimension requirements specified in this Article, unless a zone district boundary line falls within 20 feet of a lot line existing at the time of passage of this Article, then the lot line shall be considered the zone boundary line.
- (3) In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination shall be made by the Board of Adjustment.

SECTION 2.

Chapter 295 entitled “Zoning”, Subsection 295-114 is hereby deleted in its entirety and replaced as follows:

§ 295-114. Multifamily Residence 10, R-MF-10 Zone

A. Permitted Principal Uses.

- (1) Two-family dwellings.

(2) Multi-family dwellings.

B. Permitted Accessory Uses.

(1) Public or private recreation facilities.

(2) Fences and walls.

(3) Off-street parking and garages.

(4) Trash enclosures.

(5) Signs.

(6) Public and private utilities.

C. Area, Bulk and Yard Requirements.

(1) Minimum lot size - 3 acres.

(2) Minimum front yard setback - 30 feet.

(3) Minimum side yard setback - 20 feet.

(4) Minimum rear yard setback - 30 feet.

(5) Density. Maximum density of the site shall not exceed ten (10) units per acre.

(6) Minimum distance between buildings:

(a) Front to front - 60 feet.

(b) Side to side - 25 feet.

(c) Rear to rear - 50 feet.

(d) Other configuration - 30 feet.

(7) Maximum building length - 100 feet.

(8) Maximum building coverage - 45%.

(9) Maximum impervious coverage - 60%.

(10) Maximum building height - 2 stories and 35 feet.

D. Affordable Housing Requirements.

- (1) Twenty (20%) percent of the units shall be reserved for, and affordable to, low- and moderate-income households regardless of tenure. The units shall meet the low-/moderate-income split required by the Uniform Housing Affordability Controls (“UHAC”) except in lieu of ten (10%) percent of units at thirty-five (35%) percent of median income, the developer shall provide at least thirteen (13%) percent of the units as very-low income units at thirty (30%) percent of median income within each bedroom distribution.
- (2) The affordable units shall have a minimum thirty (30) year deed restriction. Any such affordable unit shall comply with UHAC, applicable affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (3) The units shall meet the bedroom distribution required by the UHAC.
- (4) The developer shall be responsible for retaining the Borough’s Administrative Agent, or an approved equivalent as approved by the Borough, at the developer’s sole cost and expense.
- (5) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
- (6) The affordable units shall be dispersed throughout the site and be designed to be architecturally consistent with the market-rate units.

E. Lighting.

- (1) Parking lot lighting shall be no more than twenty (20) feet in height.
- (2) A minimum average of one-half (0.5) footcandle shall be maintained within parking lots. A minimum average of 0.3 footcandle shall be maintained over all pedestrian walkways.
- (3) Parking lot fixtures shall be full cut off.
- (4) Footcandles at the tract boundary shall not exceed one (1) footcandle, except where there are entrance/exit driveways.

F. Off-Street Parking Requirements.

- (1) All parking spaces shall measure no less than nine (9’) feet in width by eighteen (18’) feet in length.
- (2) Off-street parking shall be provided in accordance with RSIS.

- (3) There shall be no parking of recreational vehicles, trailers, or boats.
- (4) Hairpin striping shall be utilized to delineate parking spaces.

G. Building Design.

- (1) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than thirty (30) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
- (2) The maximum spacing between such offsets shall be thirty-five (35) feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1) foot.
- (3) Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in façade materials and balconies.
- (4) The architectural treatment of a façade shall be completely continued around all street-facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors, and details.
- (5) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (6) Roofline offsets shall be provided along any gable roof measuring more than forty (40) feet in length. The maximum spacing between such offsets shall be forty-five (45') feet.
- (7) Building façades visible from any street shall consist of durable, long-lasting materials such as brick, stone, cast stone, Hardie plank or other high-quality material.
- (8) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

H. Landscaping.

- (1) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
- (2) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate

adverse visual impacts, provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered.

- (3) There shall be a minimum ten- (10) foot-wide landscaped buffer adjacent to any existing single-family properties. The only improvements that are permitted to encroach on this buffer are utilities and driveways.
- (4) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees, and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.
- (5) Buffer plants shall include, at a minimum, the following:
 - (a) One shade tree for every seventy-five (75) linear feet of buffer.
 - (b) One evergreen tree for every forty (40) linear feet of buffer.
 - (c) Ten (10) shrubs for every fifty (50) linear feet of buffer.
- (6) Buffer plants shall be the following size at the time of planting:
 - (a) Shade trees shall be planted at a minimum three (3") inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.
 - (b) Evergreen trees shall be planted at a minimum height of seven (7') feet, balled and burlapped.
 - (c) Shrubs shall be planted at a minimum of three (3') feet in height. All shrubs shall be evergreen.
- (7) Foundation plantings shall be provided around all buildings. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
- (8) Street trees.

- (a) Street trees shall be provided along all public streets, planted at an average of fifty (50) feet on center.
- (b) The following species are permitted: October Glory Maple, Greenspire Linden, Village Green Zelkova, Red Sunset Maple.
- (c) Street trees shall be a minimum three (3") inch caliper.

I. Signs. The following types of signs shall be permitted:

(1) Monument sign.

- (a) One monument sign per street frontage.
- (b) The maximum sign area (excluding the base) shall be thirty (30) square feet per side.
- (c) The maximum sign height shall be five (5') feet.
- (d) Monument signs shall be setback a minimum of ten (10') feet from any property line.
- (e) Monument signs may be illuminated.

J. Refuse.

- (1) Trash and recycling receptacles shall not be visible from the public street and shall be located in the rear or side yard.
- (2) All trash and recycling receptacles shall be screened by a solid fence or decorative masonry wall on three sides and a heavy-duty gate on the fourth.

K. Utilities. All utilities shall be underground.

L. Fences and walls.

- (1) Fences and walls within the front yard shall be a maximum of four (4') feet in height.
- (2) Fences and walls within the side and rear yards shall be a maximum of six (6') feet in height.

SECTION 3. 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.

SECTION 4. Repealer.

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

SECTION 5. Effective Date.

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

ATTEST

BOROUGH OF LEBANON

Karen Romano, Administrator/Clerk

Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Junge 1

Saharic 1

Harris 1

Baldinger 1

Ordinance approved by the Governing Body and presented
To the Mayor on _____, 2020

Veto in Whole or Part:

Approved:

James P. Pittinger, Mayor
Date:

James P. Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2020.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 19, 2020 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 March 18, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

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

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020- 01**

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, AMENDING AND SUPPLEMENTING CHAPTER 295, ENTITLED “ZONING”, TO CHANGE THE BOROUGH ZONING MAP AND TO ESTABLISH A NEW R-MF-10 MULTI-FAMILY RESIDENCE 10 DISTRICT, AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

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 19th day of February 2020, and the same came up for final passage at a meeting of the said Borough Council on the 18th day of March, 2020 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: February 19, 2020

ADOPTED: March 18, 2020

ORDINANCE 2020-02 AFFORDABLE HOUSING COMPLIANCE ADOPTION:

Council President Burton made a motion to Introduce Ordinance 2020-02 with a second from Councilwoman Saharic

BOROUGH OF LEBANON

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, TO AMEND CHAPTER 80 “AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, the Borough of Lebanon has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

WHEREAS, the Borough Council of the Borough of Lebanon desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mt. Laurel IV”) seeking approval of a Housing Element and Fair Share Plan that satisfies the Borough’s obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, after a Fairness Hearing held on November 22, 2019, by Order dated December 3, 2019, Hon. Thomas Miller, J.S.C. approved a settlement agreement between the Borough of Lebanon and Fair Share Housing Center, which established the Borough’s affordable housing obligations; and

WHEREAS, the Lebanon Planning Board will adopted a Housing Element and Fair Share Plan dated March 10, 2020 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Borough is desirous of amending and supplementing the Borough Code to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Governing Body, and include provisions addressing Lebanon’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Lebanon, with the Approval of the Mayor, that Chapter 80, entitled “Affordable Housing” and specifically Articles I, II and III are hereby repealed in their entirety and replaced as follows:

SECTION 1.

Article I. Affordable Housing Ordinance

§ 80-1. Title and Statutory Authorization.

- D. The title of this chapter shall be the “Affordable Housing” Ordinance.
- E. The Legislature of the State of New Jersey has, in the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., delegated the authority to local governments to adopt an ordinance to provide a realistic opportunity for sound shelter for low- and moderate-income households. Therefore, the Council of the Borough of Lebanon does ordain as follows:

§ 80-2. Monitoring and Reporting Requirements.

The Borough of Lebanon shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- M. Beginning on the first anniversary of the execution of the Settlement Agreement, and on every anniversary of that date through July 1, 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs (DCA), Council on Affordable Housing (COAH) or Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by DCA, COAH or LGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

- N. Beginning on the first anniversary of the execution of the Settlement Agreement, and on every anniversary of that date through July 1, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- O. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC and the Intervenor, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall provide the opportunity for interested parties to submit comments to the Borough, with a copy to the court, FSHC, and the Intervenor, regarding whether any sites no longer present a realistic opportunity and should be replaced.
- P. Within 30 days of the third anniversary of the execution of the Settlement Agreement, and every third year thereafter until July 1, 2025, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low income requirements, including its family very-low income requirements. Such posting shall provide the opportunity for interested parties to submit comments to the Borough, with a copy to the court, and FSHC, regarding whether the Borough has complied with its very-low income housing obligation under the terms of the executed Settlement Agreement.

§ 80-3. Definitions.

- A. The following terms when used in this Ordinance shall have the meanings given in this Section:

ACT - The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE - Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT - The entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING - A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE - The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE - A sales price or rent level that is within the means of a low- or

moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT - A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred percent (100%) affordable housing development.

AFFORDABLE HOUSING PROGRAM(S) - Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT - A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY - The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

AGE-RESTRICTED UNIT - A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are sixty-two years of age or older; or 2) at least eighty percent (80%) of the units are occupied by one person who is fifty-five years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENT - A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE - A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD - A household that has been certified by an Administrative Agent as a low income household or moderate income household.

COAH - The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), or any successor agency charged with the administration of the Act.

COURT – The Superior Court of New Jersey, Law Division, Hunterdon County, Vicinage 13.

DCA - The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT - A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER - Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT - The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT - A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD - A household with a total gross annual household income equal to fifty percent (50%) or less of the regional median household income by household size.

LOW-INCOME UNIT - A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM - The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity,

sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS - Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME - The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD - A household with a total gross annual household income in excess of fifty percent (50%) but less than eighty percent (80%) of the regional median household income by household size.

MODERATE-INCOME UNIT - A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE - Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS - A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT - The maximum housing value in each housing region affordable to a four-person household with an income at eighty percent (80%) of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION - The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT - The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT - A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

UHAC - The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY-LOW INCOME HOUSEHOLD - A household with a total gross annual household income equal to thirty percent (30%) or less of the regional median household income by household size.

VERY-LOW INCOME UNIT - A restricted unit that is affordable to a very-low income household.

WEATHERIZATION Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§ 80-4. Applicability.

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Lebanon pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this Ordinance shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- C. Any property in the Borough of Lebanon that receives a rezoning, use or density variance, redevelopment or rehabilitation plan to permit a multi-family residential development of five or more units with a density at or above 6 units to the acre, shall provide an affordable housing set-aside of at least twenty percent (20%) of the residential units constructed, as required for developments located within the jurisdiction of the Highlands Water Protection and Planning Council, pursuant to N.J.S.A. 52:27D-329.9(a), whether the units will be for rent or will be for sale. No property shall be subdivided so as to avoid compliance with this requirement. All affordable units shall be governed by the provisions of this Ordinance. This requirement shall not apply to sites zoned for inclusionary residential development, which shall comply with the applicable zoning or redevelopment plan requirements of providing affordable housing units. This requirement does not, and shall not be construed to, grant any developer the right to any rezoning, variance, redevelopment designation or other relief or establish any obligations on the part of the municipality to grant such rezoning, variance, redevelopment designation or other relief.

§ 80-5. Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and Uniform Housing Affordability Controls (UHAC), with the following exceptions:

- (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH or the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a twenty (20)-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty (30)-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by COAH or the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 80-6. Inclusionary Zoning.

- A. To implement the fair share plan in a manner consistent with the terms of the September 18, 2019 Settlement Agreement (executed September 19, 2019), ensure the efficient use of land through compact forms of development, and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of Lebanon’s Housing Element and Fair Share Plan and the terms of the Settlement Agreement.
- (1) Heights at Lebanon. The property is known as Block 10, Lots 2 and 2.01 with several condominium qualifiers.
 - (2) Presidential Place. This property is known as Block 3, Lot 1.
 - (3) Harvestate. This property is known as Block 4, Lots 1.03 and 1.04.
 - (4) Villa on Main. This property is known as Block 13.02, Lot 22.

§ 80-7. Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ 80-8. Fractional Units and Payments-in-Lieu.

- A. Inclusionary developments that result in a fractional affordable housing obligation of 0.4 or less may round the number of affordable units down. The Applicant/Developer shall make a pro-rated payment-in-lieu to cover the fraction.
- B. If the required number of affordable units results in a fraction of 0.5 or greater, the Applicant shall round up and provide the additional affordable unit.
- C. The payment-in-lieu for Lebanon shall be \$105,000 for 2020. The payment-in-lieu shall increase by 3% each year. To calculate the payment-in-lieu the developer shall multiply the fraction by the payment. For example, a fraction of 0.4 triggered in 2022 would require a payment of \$44,557.80. The payment shall be made to the Borough's Affordable Housing Trust Fund.

§ 80-9. New Construction.

- A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least thirteen percent (13%) of all restricted rental units within each bedroom distribution shall be very-low income units (affordable to a household earning thirty percent (30%) or less of regional median income by household size). Fifty percent of the very-low income units shall be available to families. The very-low income units shall be counted as part of the required number of low-income units within the development.
 - (2) In each affordable development, at least fifty percent (50%) of the restricted units within each bedroom distribution shall be very-low or low income units.
 - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than twenty percent (20%) of the total low- and moderate-income units;
 - (b) At least thirty percent (30%) of all low- and moderate-income units shall be two bedroom units;
 - (c) At least twenty percent (20%) of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one bedroom units or by having a two-bedroom unit for each efficiency unit. The Borough shall not be permitted to claim credit to satisfy its obligations under the Settlement Agreement for age-restricted units that exceed twenty-five percent (25%) of all units developed.

B. Accessibility Requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (2) All restricted townhouse dwelling units and all restricted units in other multi-story buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (e) If not all of the foregoing requirements in (2)(a) through (2)(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (2)(a) through (2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Lebanon has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Borough of Lebanon's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph (f)[2] above shall be used by the Borough of Lebanon for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Lebanon for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

C. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7. Design:

- (1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Settlement Agreement dated September 18, 2019 (executed September 19, 2019).
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty percent (60%) of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two percent (52%) of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen percent (13%) of all low- and moderate-

income rental units shall be affordable to very-low income households, which very-low income units shall be part of the low-income requirement.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy percent (70%) of median income, and each affordable development must achieve an affordability average of fifty-five percent (55%) for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one (1) person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half (1.5) person household;
 - (c) A two-bedroom unit shall be affordable to a three (3) person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half (4.5) person household; and
 - (e) A four-bedroom unit shall be affordable to a six (6) person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one (1) person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half (1.5) person household; and
 - (c) A two-bedroom unit shall be affordable to a two (2) person household or to two one (1) person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five percent (95%) of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight percent (28%) of the eligible monthly income of the

appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty percent (30%) of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (10) The rents of very-low, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent (9%) in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§ 80-10. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

§ 80-11. Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two (2) persons from occupying a single bedroom.

§ 80-12. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Lebanon takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors, and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 80-13. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 80-16.

§ 80-14. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty percent (80%) of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium or homeowner association fees, as applicable) does not exceed thirty-three percent (33%) of the household's eligible monthly income.

§ 80-15. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the

Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five percent (95%) of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 80-16. Capital Improvements to Ownership Units.

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10) year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 80-17. Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Lebanon takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the

County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy.

- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 80-18. Rent Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed five percent (5%) of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen percent (15%) of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 80-19. Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
- (1) Very-low income rental units shall be reserved for households with a gross household income less than or equal to thirty percent (30%) of the regional median household income by household size.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of the regional median household income by household size.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than eighty percent (80%) of the regional median household income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low income household, low income household or a moderate income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five percent (35%) (forty percent (40%) for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A.1. through B.5. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 80-20. Reserved.

§ 80-21. Reserved.

§ 80-22. Reserved.

Article II. Municipal Housing Liaison.

§ 80-23. Purpose

The purpose of this article is to create the administrative mechanisms needed for the execution of the Borough of Lebanon's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 80-24. Definitions.

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

ADMINISTRATIVE AGENT - The entity duly designated and responsible for administering the affordability controls on low- and moderate-income units created in the Borough of Lebanon to ensure that the restricted units are affirmatively marketed and sold or rented, as applicable, only to very-low, low- and moderate-income households.

MUNICIPAL HOUSING LIAISON - The municipal employee duly designated by the governing body with the responsibility for monitoring, reporting oversight and general administration of the affordable housing program for the Borough of Lebanon.

§ 80-25. Establishment of 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 the Borough of Lebanon.
- B. Subject to the approval of the Court, 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 monitoring, reporting, oversight, and general administration of the affordable housing program for the Borough of Lebanon, including the following responsibilities which may not be contracted out to an Administrative Agent:
- (1) Serving as the 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 the Borough of Lebanon's Housing Element and Fair Share Plan;

- (3) Compiling, verifying, and publishing on the Borough's website all referenced monitoring reports as required by the Court;
 - (4) Coordinating meetings with affordable housing providers and the administrative agent(s) as applicable; and
 - (5) Attending continuing education programs as required to obtain and maintain certification as a Municipal Housing Liaison.
- D. Subject to approval by the Court, the 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 the Borough of Lebanon. If the 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. Compensation shall be fixed by the governing body at the time of the appointment of Municipal Housing Liaison.

Article III. Administrative Agent

§ 80-26. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the Borough of Lebanon's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 80-27. Establishment of position; powers and duties.

An Administrative Agent may be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16, and 18 thereof, which includes:

- A. Affirmative Marketing:
- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Lebanon and the provisions of N.J.A.C. 5:80-26.15; and
 - (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

- (1) Soliciting, scheduling, conducting, and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Lebanon when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Borough of Lebanon: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

C. Affordability Controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or Hunterdon County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and

- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- (or very-low) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the

Administrative Agent where complaints of excess rent or other charges can be made;

- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Article IV. Affirmative Marketing Requirements.

§ 80-28. Affordable Marketing Requirements.

- A. The Borough of Lebanon shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.

- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex, and Somerset Counties.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Lebanon shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four (4) months or one hundred twenty (120) days prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Middlesex County Administration Building, Somerset County Administration Building, Somerset County Library Headquarters, Hunterdon County Library Headquarters, and Lebanon Borough Municipal Building ; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Lebanon to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, Supportive Housing Association, and the Central Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 80-29. Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than five hundred dollars (\$500.00) per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Lebanon Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and

moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two (2) years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two (2) year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 80-30. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

§ 80-31. Reserved.

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.

SECTION 3. Repealer.

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. Effective Date.

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

ATTEST

BOROUGH OF LEBANON

Karen Romano, Administrator/Clerk

Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Junge 1

Saharic 1

Ordinance approved by the Governing Body and presented
To the Mayor on _____, 2020

Harris 1

Baldinger 1

Veto in Whole or Part:

Approved:

James P. Pittinger, Mayor
Date:

James P. Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2020.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 19, 2020 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 March 18, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

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

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020- 02**

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, TO AMEND CHAPTER 80 “AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS.

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 19th day of February 2020, and the same

came up for final passage at a meeting of the said Borough Council on the 18th day of March, 2020 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: February 19, 2020

ADOPTED: March 18, 2020

ORDINANCE 2020-03 AFFORDABLE HOUSING DEVELOPMENT FEES ADOPTION:

Council President Burton made a motion to Introduce Ordinance 2020-02 with a second from Councilwoman Saharic

BOROUGH OF LEBANON

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, TO AMEND CHAPTER 80 “AFFORDABLE HOUSING”, TO ADD ARTICLE V, TO BE ENTITLED “DEVELOPMENT FEES” TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES AS PERMITTED BY THE FAIR HOUSING ACT

WHEREAS, 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, N.J.S.A. 52:27d-301, *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, 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 was 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 were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential development; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Lebanon that Chapter 80 is hereby amended to add Article V, as of the date of full adoption and Court approval, relating to the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

SECTION 1.

Chapter 80 entitled “Affordable Housing” is hereby supplemented with a new Article V entitled “Development Fees” as follows:

Article V. Development Fees.

§ 80-32. Affordable Housing Development Fees.

F. Purpose.

- (1) This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very-low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

G. Basic Requirements.

- (1) This Ordinance shall not be effective until approved by the Court.
- (2) The Borough of Lebanon shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

H. Definitions.

- (1) The following terms, as used in this Ordinance, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT - 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 one hundred percent (100%) affordable housing development.

COAH or the COUNCIL - The New Jersey Council on Affordable Housing established under the Fair Housing Act.

COURT - The Superior Court of New Jersey, Law Division, Hunterdon County, Vicinage 13.

DEVELOPMENT FEE - Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and regulated by applicable COAH Rules.

DEVELOPER - 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.

EQUALIZED ASSESSED VALUE - 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).

GREEN BUILDING STRATEGIES - 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.

I. Residential Development Fees.

(1) Imposition of Fees.

- (a) Within the Borough of Lebanon, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (b) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two (2)-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 (2)-year period preceding the filing of the variance application.

- (2) Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.
- (a) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Lebanon, shall be exempt from the payment of development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.
 - (c) Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one (1) year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
 - (d) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

J. Non-Residential Development Fees.

- (1) Imposition of Fees
- (a) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - (b) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed

value resulting from any additions to existing structures to be used for non-residential purposes.

- (c) 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 improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a 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.

(2) Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.
- (b) The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations, and repairs.
- (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as 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 for the non-residential development, whichever is later.
- (e) 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 forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Lebanon as a lien against the real property of the owner.

K. Collection Procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- (2) 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.
- (3) The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
- (4) Within ninety (90) days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- (5) The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- (6) Within ten (10) business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Borough of Lebanon fail to determine or notify the developer of the amount of the development fee within ten (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).
- (8) Except as provided in Section E(1)(C) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the

Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.

(9) Appeal of Development Fees

- (a) 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 the Borough of Lebanon. 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 ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (b) 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 forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Lebanon. 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 ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

L. Affordable Housing Trust Fund.

- (1) There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Lebanon for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Lebanon.
 - (b) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;

- (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with Lebanon's affordable housing program.
- (3) In the event of a failure by the Borough of Lebanon to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs (DCA), Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Lebanon, or, if not practicable, then within the County or the Housing Region.
- (a) Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- (4) Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

M. Use of Funds.

- (1) The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Lebanon'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; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; 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; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

- (2) Funds shall not be expended to reimburse the Borough of Lebanon for past housing activities.
- (3) At least thirty percent (30%) of all development fees collected and interest earned on such fees 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 (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of the median income for Housing Region 3, in which Lebanon is located.
 - (a) 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. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (b) Affordability assistance to households earning thirty percent (30%) 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 thirty percent (30%) or less of median income. The specific programs to be used for very-low income affordability assistance shall be identified and described within the Spending Plan.
 - (c) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Lebanon, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Borough of Lebanon may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- (5) No more than twenty percent (20%) of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

- (a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the twenty percent (20%) of collected development fees that may be expended on administration.
- (b) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements.

N. Monitoring.

The Borough of Lebanon shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended.

O. Ongoing Collection of Fees.

- (1) The ability for the Borough of Lebanon to impose, collect, and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough of Lebanon has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- (2) If the Borough of Lebanon is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing 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).
- (3) After the expiration of the Judgment of Compliance, or any extensions thereof, if the Borough does not pursue or obtain continued authorization, the Borough of Lebanon shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

§80-33. Reserved.

§80-34. Reserved.

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.

SECTION 3. Repealer.

Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only. **SECTION 4. Effective Date.**

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

ATTEST

BOROUGH OF LEBANON

Karen Romano, Administrator/Clerk

Richard Burton, Council President

Vote after public hearing and upon final adoption:

Berger 1

Burton 1

Junge 1

Saharic 1

Harris 1

Baldinger 1

Ordinance approved by the Governing Body and presented
To the Mayor on _____, 2020

Veto in Whole or Part:

Approved:

James P. Pittinger, Mayor
Date:

James P. Pittinger, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2020.

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 19, 2020 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 March 18, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey.

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

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020- 03**

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, TO AMEND CHAPTER 80 "AFFORDABLE HOUSING", TO ADD ARTICLE V, TO BE ENTITLED "DEVELOPMENT FEES" TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES AS PERMITTED BY THE FAIR HOUSING ACT

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 19th day of February 2020, and the same came up for final passage at a meeting of the said Borough Council on the 18th day of March, 2020 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: February 19, 2020
ADOPTED: March 18, 2020**

RESOLUTION #54-2020:

Councilman Junge made a motion to approve Resolution #54-2020 with a second by Councilman Berger.

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

RESOLUTION #54-2020

CROSSING GUARDS APPOINTMENT

BE IT RESOLVED, by the Lebanon Borough Common Council that the following are appointed as Adult School Crossing Guards and Substitute Crossing Guards:

**Renee Berry
Dorothy Reed**

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the Adult School Crossing Guards and Substitute Crossing Guards having been established and set forth in Ordinance #2017-04, the following salary is hereby granted to the employee for the year 2018-2019:

Adult School Crossing Guards and Substitute Crossing Guards
and Substitute Crossing Guards \$ 22.75/hr. (NTX 5 hours per week)

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #55-2020:

Councilman Junge made a motion to approve Resolution #55-2020 with a second by Councilwoman Saharic.

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

RESOLUTION #55-2020

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 payment for refund of overpayment. The residents' mortgage company paid 1st quarter taxes, but the resident refinanced, and the closing company also sent a payment for 1st quarter taxes. The resident requested the refund of the credit balance of \$1,467.41. The closing company provided approval to refund the overpayment to the homeowner.

Block	Lot	Name/Address	Amount
13.02	1004	Maliqi, Adem 4 Jennifer Court Lebanon NJ 08833	\$ 1,467.41

Introduced and adopted: March 18, 2020

LEBANON BOROUGH

COUNCIL

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Absent:

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 March 18, 2020.

Karen Romano
Borough Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #56-2020:

Council President Burton made a motion to approve Resolution #56-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 56-2020**

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the governing body of the Borough of Lebanon, County of Hunterdon, to avail the Borough of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the North Hunterdon Regional High School District is \$768,468.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Lebanon, County of Hunterdon, hereby authorize the Chief Financial Officer of the Borough to defer \$453,366.33 of school taxes as permitted by the aforementioned regulation; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #57-2020:

Councilman Junge made a motion to approve Resolution #57-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 57-2020**

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the governing body of the Borough of Lebanon, County of Hunterdon, to avail the Borough of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Lebanon School District is \$1,414,471.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Lebanon, County of Hunterdon, hereby authorize the Chief Financial Officer of the Borough to defer \$1,414,471 of school taxes as permitted by the aforementioned regulation; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #58-2020:

Councilman Junge made a motion to approve Resolution #58-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 58-2020**

WHEREAS, the Borough of Lebanon desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$15,153.84 and

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lebanon that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2020 Budget under the following caption:

Recycling Tonnage Grant

BE IT FURTHER RESOLVED that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services

* * * * *

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #59-2020:

Councilman Junge made a motion to approve Resolution #59-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 59-2020**

WHEREAS, the Borough of Lebanon desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$4,000 and

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lebanon that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2020 Budget under the following caption:

Clean Communities

BE IT FURTHER RESOLVED that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #60-2020:

Councilwoman Saharic made a motion to approve Resolution #60-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 60-2020**

LOCAL BUDGET EXAMINATION

WHEREAS, NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 5:30-7.2 thru 7.5 the Borough of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2020 budget year, so now therefore

BE IT RESOLVED, by the Governing Body of the Borough of Lebanon that the in accordance with NJAC 5:307.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services **CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to NJSA 40A:4-78b and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:307.6.

Dated

By: _____
Chief Financial Officer

* * * * *

Introduced and adopted: March 18, 2020

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent:

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 March 18, 2020 force and effect as of the date I have subscribed my signature.

Date: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #61-2020:

Council President Burton made a motion to approve Resolution #61-2020 with a second by Councilman Berger.

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

RESOLUTION #61-2020

INTRODUCTION OF 2020 BUDGET

2020 Available in the Clerk's Office

Introduced and adopted: March 18, 2020

LEBANON BOROUGH COUNCIL

Ayes: Saharic, Burton, Berger, Junge, Harris, Baldinger
Nays: 0
Absent:

Richard J. Burton
Borough 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 18th of March 2020; 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: March 18, 2020

Karen M. Romano, RMC
Borough Administrator/ Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger
NO:
Absent:

RESOLUTION #62-2020:

Councilman Junge made a motion to approve Resolution #62-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON**

STATE OF NEW JERSEY

RESOLUTION NO. 62-2020

RESOLUTION APPOINTING MEMBERS TO THE LEBANON BOROUGH OFFICE OF EMERGENCY MANAGEMENT (“OEM) – LOCAL EMERGENCY PLANNING COMMITTEE (“LEPC”); DESIGNATING SUCH MEMBERS AS ESSENTIAL SERVICE PERSONNEL; AND SEPARATELY DESIGNATING “ESSENTIAL SERVICE PERSONNEL” FOR THE LEBANON BOROUGH SEWERAGE AUTHORITY

WHEREAS, the President of the United States has declared a National Emergency as a result of the COVID19 virus; and

WHEREAS, the Governor of the State of New Jersey has likewise imposed a State of Emergency as of March 9, 2020 pursuant to his emergency powers under N.J.S.A. App. A:9-45, and the Attorney General of the State of New Jersey also has certain emergency traffic control authority, which he may invoke pursuant to N.J.S.A. 39:4-213; and

WHEREAS, essential travel by first responders and authorized emergency management personnel to perform assigned duties is critical upon the issuance of such Directives; and

WHEREAS, authorized emergency management personnel, and designated emergency government employees are “Essential Service Personnel” (NJSA App. A:9-41) under such Directives and may be eligible for a travel restriction exemption.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council with the approval and Order of the Mayor and Council President of the Borough of Lebanon, as follows:

1. The following persons are hereby designated members of the Lebanon Borough Office of Emergency Management (“OEM”) and Local Emergency Planning Committee (“LEPC”) and designated as “Essential Service Personnel”:

- (a) Mayor and Council Members
- (b) Coordinator of Office of Emergency Management and Local Emergency Planning Committee
- (c) Borough Engineer, Attorney and Clerk/Administrator
- (d) Lebanon Borough Volunteer Fire Company Chief
- (e) Lebanon Borough designated liaison from the New Jersey State Police
- (f) Clinton First Aid and Rescue Squad Chief

2. Specifically, the following persons are immediately appointed to the Office of Emergency Management- Local Emergency Planning Committee and are designated “Essential Service Personnel”:

- (a) James Pittinger, Mayor
- (b) Richard Burton, Council President
- (c) Sam Berger, Councilman
- (d) Bob Junge, Councilman
- (e) Marlene Baldinger, Councilwoman
- (f) Melissa Saharic, Councilwoman
- (g) Denise Harris, Councilwoman
- (h) Alexander Saharic – Coordinator – Office of Emergency Management and Local Emergency Planning Committee
- (i) Robert Brightly, PE – Lebanon Borough Engineer
- (j) Joseph Novak, Esq. – Lebanon Borough Attorney
- (k) Karen Romano – Lebanon Borough Clerk/Administrator
- (l) Kevin Saharic – Lebanon Fire Chief
- (m) Sergeant Brian Walsh, NJSP
- (n) Frank Setnicky – Clinton First Aid and Rescue Squad Chief
- (o) William Colantano – Economic/ Auditor

3. The Commissioners and Professional Consultants of Lebanon Borough Sewerage Authority (“LBSA”) are also critical personnel necessary to insure the continued maintenance and operation of the public sewer system serving all of the residents of the Borough of Lebanon, and so as to insure the protection of the public health, safety and welfare. Accordingly, the following Commissioners and Professional Consultants are hereby designated as “Emergency Service Personnel”:

- (a) Commissioner Edward Cichone, Chairman
- (b) Commissioner Richard Burton, Vice-Chairman
- (c) Commissioner John Saharic
- (d) Commissioner Greg Crawford
- (e) Commissioner Benedict Valliere
- (f) James Hill, P.E. C-2 Operator

- (g) Joseph S. Novak, Esq., Attorney
- (h) Anita Weingart, Secretary
- (i) Kayla Kern, C-1 Operator
- (j) Brian Exley, C-1 Operator

4. The above named persons are hereby declared to be “Emergency Service Personnel” charged with the responsibility to plan, govern, respond and abate emergencies and/or protect the health, safety and welfare of the public and thereby in addition to their other powers, are hereby granted travel restriction exemption and such other rights, powers and duties that may be directed for emergency personnel and for the purposes of essential travel by emergency personnel.

Introduced and adopted:

Ayes: : Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent: 0

BOROUGH OF LEBANON

LEBANON BOROUGH COUNCIL

James Pittinger, Mayor

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Council of the Borough of Lebanon at a meeting duly held on the 19th day of March 2020; 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: March 19, 2020

Karen Romano, RMC
Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

RESOLUTION #63-2020:

Councilman Junge made a motion to approve Resolution #63-2020 with a second by Councilman Berger.

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

RESOLUTION NO. 63-2020

TEMPORARY PUBLIC CLOSURE OF ACCESS TO MUNICIPAL BUILDING

WHEREAS, Federal and State Directives are being issued on a daily basis to limit contact and promote physical distancing in response to the COVID19 pandemic; and

WHEREAS, the Lebanon Borough Municipal Building and its staff must be protected in order to assure the provision of essential services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council with the approval and Order of the Mayor and Council President of the Borough of Lebanon, as follows:

1. Pending further Notice, the Lebanon Borough Municipal Building shall be closed to public access, with the exception of utilization by Essential Service Personnel of the Office of Emergency Management/Local Emergency Planning Committee, and Commissioners of the Lebanon Borough Sewerage Authority and supporting professional consultants. Access shall be controlled by the Borough Clerk/Administrator or her designee.

2. Municipal staff will continue to occupy and provide services from the building, however, each entry point shall be closed and appropriately signed to give instruction for the public to call-in to the building to express their business purpose, and the drop box shall be made available for the exchange of various documents.

3. The Mayor and Council President shall confer and implement such appropriate measures to provide for the continuation of services to the public, including staffing, hours of operation, Emergency contact(s), notices and information, additional services or modifications to guidelines for operation necessitated by further State or Federal Directives, utilization of the building for emergency services, directions for continued limited services and/or restoration of full service. Access to the Municipal Building, and such other appropriate measures will be directed as the continuing situation warrants.

Introduced and adopted:

Ayes: : Saharic, Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent: 0

BOROUGH OF LEBANON

LEBANON BOROUGH COUNCIL

James Pittinger, Mayor

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Municipal Clerk hereby certify that this resolution was duly adopted by the Council of the Borough of Lebanon at a meeting duly held on the 19th day of March 2020; 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: March 19, 2020

Karen Romano, RMC
Administrator/Clerk

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

APPROVAL OF EXPENDITURES:

Councilman Berger made a motion to approve the bill list for March 2020. Council President Burton second the motion.

Lebanon Borough

List of Bills - (All Funds)

Meeting Date: 03/18/2020 For bills from 02/20/2020 to 03/12/2020

Vendor	Description	Payment	Check Total
Current Fund			
746 - BETHLEHEM TOWNSHIP	PO 10324 Shared Services CFO - March 2020	2,194.71	2,194.71
247 - COMCAST	PO 10358 Internet/Phone Service: 6 High Street /	492.59	492.59
652 - CONSTELLATION NEMENERGY INC	PO 10312 Electricity: 1/14/2020 to 2/11/2020	732.21	732.21
132 - COUNTY OF HUNTERDON	PO 10359 County Food Inspections Fees 4th Qtr. 20	2,600.00	2,600.00
152 - Courier News	PO 10372 Legal Advertising	57.36	57.36
39 - ELIZABETHTOWN GAS	PO 10309 Natural Gas 1/14/2020 - 2/13/2020	941.79	941.79
46 - FERRIERO ENGINEERING	PO 10363 Engineering February 2020	427.50	427.50
769 - Great America Financial Services	PO 10320 Phone System Lease - February 2020	101.19	101.19
670 - HARRY HAUSHALTER	PO 10313 Professional Services: Tax Appeals Janua	1,269.00	
	PO 10371 Professional Services: Tax Appeals Febru	594.00	1,863.00
153 - HOME DEPOT CREDIT SVCS	PO 10353 Building and Grounds	60.33	60.33
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 10311 Employee Dental - 3/1/2020 - 4/1/2020	201.31	201.31
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 10333 Employee Dental 4/1/20-5/1/20	201.31	201.31
16 - JCP&L	PO 10329 Electricity	488.31	488.31
597 - JERSEY ELEVATOR COMPANY INC.	PO 10343 Monthly Maintenance March 2020	146.79	146.79
401 - JOINT COURT BETHLEHEM/BLOOMSBURY	PO 10339 Shared Service Court - 1st Qtr. 2020	4,152.00	4,152.00
167 - KAREN ROMANO	PO 10325 Cell Phone Reimbursement March 2020	100.00	
	PO 10355 Building and Ground Supplies / Notary Re	264.22	364.22
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 10327 Local School Tax March 2020	282,894.20	282,894.20
780 - Lebanon Borough Developers Escrow	PO 10334 Balance of Public Works to be transferre	895.16	895.16
119 - LEBANON FIRE COMPANY	PO 10322 2020 Annual Contribution - Partial Payme	10,000.00	10,000.00
90 - LEBANON SEWER AUTHORITY	PO 10319 Sewer Payment 2020- 6 High Street, 96 Ma	1,548.00	1,548.00
843 - Maliqi, Adem	PO 10356 Refund: Overpayment of taxes 1st quarter	1,467.41	1,467.41
715 - Maser Consulting P.A.	PO 10340 Professional Services: Planning Board	214.50	
	PO 10341 Affordable Housing	786.50	1,001.00
811 - MORTON SALT	PO 10314 Road Salt	4,043.66	4,043.66
814 - Municipal Clerks Association of NJ	PO 10336 2020 Clerks Conference - April 27th - Ap	370.00	370.00
253 - NEW JERSEY STATE POLICE	PO 10310 State Police Service: January 2020	4,304.08	4,304.08
54 - NJ ADVANCE MEDIA	PO 10315 Legal Advertising: Notice of Award-Solid	29.28	
	PO 10357 Legal Advertising: Ordinance 2020-01	2,000.57	
	PO 10370 Legal Advertising: 2020 Property Owners	14.34	2,044.19
530 - NJ CONFERENCE OF MAYORS	PO 10338 Mayors Conference - 5/13 - 5/15/2020	420.00	420.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 10326 Regional School Tax March 2020	266,147.83	266,147.83
31 - NOVAK & NOVAK LLC	PO 10323 Legal Services Retainer March 2020	4,083.33	4,083.33
20 - QUILL CORPORATION	PO 10330 Office / Cleaning Supplies	227.85	227.85
830 - Republic Services	PO 10331 Monthly Garbage Disposal February 2020	6,765.00	6,765.00
176 - SHOPRITE OF HUNTERDON COUNTY	PO 10366 Seniors/Clerk/Finance	235.16	235.16
540 - STATEWIDE INSURANCE FUND	PO 10354 2nd Installment 2020 Insurance	8,460.50	8,460.50
369 - STICKEL KOENIG & SULLIVAN & DRILL L	PO 10361 Planning Board: Professional Services Fe	140.00	
	PO 10362 Affordable Housing February 2020	332.50	472.50
765 - Tele Cloud, LLC	PO 10347 Monthly Phone Service: 3/1/2020 to 3/31/	253.25	253.25
208 - Thermal Service of New Jersey Inc.	PO 10328 Service Call AC#2 Blower not running	1,025.41	
	PO 10346 Monthly Billing of PM Service Contract -	330.00	1,355.41
87 - WASTE MANAGEMENT OF NJ INC	PO 10348 Municipal Waste 2/1/2020 - 2/29/2020	3,161.02	3,161.02
FEDERAL AND STATE GRANTS			
46 - FERRIERO ENGINEERING	PO 10365 Stormwater	1,211.25	1,211.25
715 - Maser Consulting P.A.	PO 10342 Highlands Build-out, HEFSP	4,166.50	
	PO 10350 Highlands	1,320.00	
	PO 10351 Highlands Stream Corridor Assessment	107.25	5,593.75
ANIMAL CONTROL FUND			
321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 10349 Animal License Fee February 2020	42.00	42.00
SENIOR CITIZEN FUND			
542 - HENRY & JANE HOPKINS	PO 10318 Refund for St. Patrick's Day Trip 3/16/2	164.00	164.00
176 - SHOPRITE OF HUNTERDON COUNTY	PO 10366 Seniors/Clerk/Finance	64.36	64.36
DEVELOPERS ESCROW			
46 - FERRIERO ENGINEERING	PO 10364 Road Opening Permit - 148 Main Street	120.00	120.00
780 - Lebanon Borough Developers Escrow	PO 10360 to close account and transfer to new esc	1,682.47	1,682.47
TOTAL			624,052.00
Total to be paid from Fund 01 Current Fund		615,174.17	
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS		6,805.00	
Total to be paid from Fund 12 ANIMAL CONTROL FUND		42.00	
Total to be paid from Fund 13 SENIOR CITIZEN FUND		228.36	
Total to be paid from Fund 14 DEVELOPERS ESCROW		1,802.47	
			624,052.00
Checks Previously Disbursed			
11600	Green Revolution Electric	Multiple:	1,425.00 3/12/2020
611	MARY ANN BADORE	PO# 10352 Senior Trip - Driver Tip 3/16/2020	46.00 3/12/2020
20201503	LEBANON BOROUGH PAYROLL	PAYROLL 3/15/2020	12,586.18 3/12/2020
31520	NJ STATE HEALTH BENEFITS PLAN	PO# 10337 Employee Health Benefits February	4,227.31 3/02/2020
40120	STATE OF NEW JERSEY, TREASURY	PO# 10335 2020 Annual Employee Contribution	25,443.00 3/02/2020
610	Good Times Tours, Inc	PO# 10317 Balance for St. Patrick's Day Trip	1,816.00 2/28/2020
609	BELLA PIZZA	PO# 10316 Senior Meeting Refreshments 2/26/	235.00 2/28/2020
31920	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 10321 Email Services: 2/17/2020 through	215.50 2/28/2020
20202902	LEBANON BOROUGH PAYROLL	PAYROLL 2/29/2020	10,718.67 2/21/2020
11599	JCP&L	PO# 10308 Electricity	670.94 2/21/2020
			57,383.60
Totals by fund		Previous Checks/Voids	Current Payments
Fund 01 Current Fund		55,286.60	615,174.17
Fund 02 FEDERAL AND STATE GRANTS			6,805.00
Fund 12 ANIMAL CONTROL FUND			42.00
Fund 13 SENIOR CITIZEN FUND		2,097.00	2,325.36
Fund 14 DEVELOPERS ESCROW			1,802.47
BILLS LIST TOTALS		57,383.60	624,052.00
			681,435.60

The Motion was passed by the following vote:

YES: Councilwoman Saharic, Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent:

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

DISCUSSION:

Administrator Romano asked Council to review the Comcast Ordinances in the packet for the March meeting along with the 2020 Land Use Element.

Councilwoman Baldinger questioned the Agreement with Comcast that indicates the Town would be paid a franchise fee of 2% for each subscriber and wanted clarification on when we would receive that money. Attorney Novak suggested Karen invite a representative to a Council meeting.

MISCELLANEOUS:

COUNCIL COMMITTEES:

Public Safety: Councilman Junge stated Public Safety had an Extensive meeting in which the conclusion was made staying with the New Jersey State Police was in the best interest of Lebanon Borough. Councilman Junge requested Administrator Romano write a letter to Clinton Township denning their proposal.

Recreation: Mayor Pittinger reported the Egg Hunt and Community Day have been Canceled

Shade Tree: Ben Valliere reported the Tree Inventory was in process.

July 4th: Councilman Berger report all meeting will be conducted virtually.

ADJOURN:

Councilman Junge moved and Council President Burton seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 8:15 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBCC
7-17-13
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