



LEBANON BOROUGH COMMON COUNCIL
Wednesday, July 15, 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 8499 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 #92-2020:

**Councilman Junge made a motion to approve Resolution 91 -2020 the Consent Agenda.
With a second by Councilman Berger.**

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 92-2020
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. Tax Assessor Report
2. Finance Report
3. Animal Control
4. Clinton Rescue Finance Report

Introduced and adopted: July 15, 2020

Ayes:

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 July 15, 2020 force and effect as of the date I have subscribed my signature.

Date: July 15, 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 June 17, 2020 regular meeting minutes. With a second by Councilman Berger.

The Motion was passed by the following vote:

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

NO:

Absent: Councilwoman Saharic,

Councilman Junge made a motion to approve the June 25, 2020 Special meeting minutes. With a second by Council President Burton.

The Motion was passed by the following vote:

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

NO:

Abstain: Councilman Berger

Absent: Councilwoman Saharic

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.

Mary Logan of Cherry Street stated Federal policy changes regarding caring for youth involved in Drug abuse.

Trooper Sanderson NJSP stated everything was quite in Lebanon.

Greg Pardo of Myrtle Ave requested a red white and blue stripe to show support for Fire Police and Healthcare workers (or possible Flags) down Main Street. Trooper Sanderson Thanked Mr. Pardo for his support and Community leadership.

Karen Romano stated the Engineer could not guarantee the alteration of the center line down Main Street would not affect the Local Aid Grant funding from the State. She suggested a street

that was not considered a through street. Mayor Pittinger Thanked Mr. Pardo and said he thought is was a great idea and Council would investigate it further.

There being no further public comment Councilwoman Harris 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 # 2020-05:

Council President Burton made a motion to open the public session for Ordinance 2020-05. Councilman Junge seconded the motion with the unanimous approval of Council the floor was opened.

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

ORDINANCE 2020-05 ADOPTION:

Council President Burton made a motion to adopt Ordinance 2020-05 with a second by Councilman Berger.



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

**AN ORDINANCE OF THE BOROUGH OF LEBANON,
IN THE COUNTY OF HUNTERDON TO AMEND THE ORDINANCE
GOVERNING THE OPENING AND STREET EXCAVATION**

OF ANY PUBLIC RIGHT OF WAY

ORDINANCE NO. 2020-05

WHEREAS, local government is charged with controlling and maintaining public rights of way within municipalities, and therefore it is necessary to establish guidelines and procedures for any person, public or private utility, firm or corporation requesting permission to make any opening or excavation in the public right of way in the Borough of Lebanon, including but not limited to, any road, street, shoulder or bank area.

WHEREAS, the Governing Body has determined that certain roads, due to an existing concrete subbase, require special street opening and restoration methods; and

WHEREAS, other entities have been granted rights to utilize the roads and rights of way of the Borough for the installation, maintenance and use of their facilities, including but not limited to, the Lebanon Borough Sewerage Authority, the Town of Clinton Water Company, JCP&L, Elizabethtown Gas, Centurylink, Comcast; and

WHEREAS, Main Street and Cokesbury Road, because it is known that these streets consist of a concrete subbase with an asphalt wearing surface, require special street opening and restoration methods; and

WHEREAS, other streets or portions of the intersections of other streets with Main Street, may consist of a concrete subbase with an asphalt wearing surface, will require special street opening and restoration methods if and where encountered.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Lebanon, with the Approval of the Mayor, that the Ordinance governing the opening and street excavation of any public right of way, is amended as follows:

SECTION 1.

§ 1.0. Title.

This Article shall be known as and may be cited as the “Lebanon Borough Street Excavation Ordinance.”

§ 2.0. Permit required.

No person, firm or corporation or public or private utility shall disturb the surface of or make any opening, cut, including a curb cut, or excavation of any kind in any road, street, alley, highway, sidewalk, shoulder or bank area or any other public way under the jurisdiction of the Borough of Lebanon (hereinafter “Borough”), including all streets and roads in private developments not part of the Borough road system at the time of excavation but where it is contemplated that application will subsequently be made to have said streets and roads become part of the Borough road system, for any purpose without first having obtained a street opening permit as hereinafter provided. A permit shall not be required for any homeowner who undertakes the repairs of the sidewalk adjoining his or her property which repairs are either safety related or of an emergency nature.

§ 3.0. Emergency repairs.

In the event of emergency where repairs must be made immediately, after having first obtained concurrence and approval from the Borough Engineer, then, and in that event only, the excavation may be made for the purpose of alleviating the emergency. For the purpose of this section, “emergency” shall mean a condition or circumstance which involves immediate danger to life or property, or both, or which involves a possibility of interruption or curtailment of any service furnished to the public by a public or private utility. As soon as the emergency has been repaired, the person, public or private utility, firm or corporation having made the excavation shall forthwith apply for a permit within five (5) business days and comply with all the other applicable provisions of this Article. In emergency matters and in the absence of the Borough Clerk, a permit may be issued by the Mayor or a member of the Borough Council who is on the Streets and Roads Committee.

§ 4.0. Permit procedures.

Street excavation or street opening permits shall be obtained in the following manner:

- A. Any person, public or private utility, firm or corporation desiring a street opening permit shall pay the Application fee and estimated Borough engineering and inspection fee, and if required by the scope of the project, the estimated Lebanon Borough Sewerage Authority (hereinafter “LBSA”) Engineering and inspection fee, and file with the Borough Clerk a signed application containing the following information:

- 1) Name, address, telephone number, facsimile number, and email address of the Applicant.
 - 2) Application form signed by the person, public or private utility, firm or corporation making the proposed street opening or excavation
 - 3) The purpose for which the opening is to be made.
 - 4) A clear description of the location of the proposed opening, including the size, length, width and depth of the proposed opening.
 - 5) Four (4) copies of appropriate drawings which show existing facilities such as pavement, curbing, sidewalks, driveways, drainage and other utilities in the area; details for the proposed opening(s) and work to be done, including excavation plan and profile, and appropriate sections of the opening(s), and all applicable construction details.
 - 6) Estimated date of commencement of work and estimated project duration.
 - 7) Agreement in writing, in a form satisfactory to the Borough Attorney, to hold the Borough of Lebanon, and the LBSA, their departments, agencies, boards, commissions, officers, officials, agents, servants, administrators, and employees harmless from any loss, injury or damage whatsoever resulting from actions taken in furtherance of the project for which the permit was issued, whether directly or indirectly connected with the work involved in the proposed street opening, or from any negligence or fault of the applicant, its agents, servants, representatives or contractors in connection with the performance of the work covered by the proposed street opening permit.
- B. Before the permit is approved, the application and drawings shall be forwarded to the Borough Engineer and the LBSA Engineer for review. The LBSA Engineer shall, upon satisfaction, sign off and return the permit to the Borough Engineer. The Borough Engineer shall then verify the engineering and inspection fees, based on the schedule provided in paragraph 5. E below. Once the appropriate fees have been verified, the Borough Engineer, upon satisfaction, shall sign off and return the application to the Borough Clerk, who may then issue the permit, subject to any approval comments.

- C. Prior to the start of work, the appropriate insurance certificates and bond requirements must be filed with the Borough Clerk. Also, prior to the start of work on any trenching operations that will exceed 100 feet in length within any right-of-way under the jurisdiction of the Borough, the Permittee shall be required to have a preconstruction meeting with the Borough Engineer and the LBSA Engineer.

§ 5.0. Surety, Application Fees and Escrow.

- A. Before the permit shall be issued by the Borough Clerk, the person, public or private utility (see also Section 19.0), firm or corporation making the application shall post and file with the Chief Financial Officer (CFO) a cash deposit or surety bond, in the amount indicated under 1, 2, or 3 below:
1. For projects located within the right-of-way and within the shoulder of a road, outside the limits of pavement for a distance of less than 100 feet, in the minimum amount of one thousand dollars (\$1,000.00);
 2. For projects located within the right-of way and within the paved portion of asphalt roadways, either crossing the road or parallel for a distance of less than 100 feet, in an amount not less than three thousand dollars (\$3,500.00);
 3. For projects located within the right-of way and within the paved portion of asphalt roadways with a concrete base course, either crossing the road or parallel for a distance of less than 100 feet, in an amount not less than seven thousand five hundred dollars (\$7,500.00).
 4. For more extensive trenching operations, in an amount equal to 120% of the estimated cost of saw cutting the asphalt pavement, saw cutting the concrete base, as applicable, backfilling, compaction, asphalt base course , concrete base course, as applicable and final asphalt trench restoration, as determined by the sole discretion of the Borough Engineer based on an estimate of quantities prepared on behalf of the applicant by the applicant's engineer and reviewed and approved by the Borough

Engineer. A minimum of 10% of the performance surety for projects that fall under this category shall be in the form of cash or a certified check made payable to the Borough of Lebanon.

The cash deposit or surety bond being intended to cover the opening or excavation set forth in the application and any and all future openings and excavations to be made in the calendar year. Said bond shall be conditioned upon the permittee's compliance with this Article and shall indemnify the Borough and LBSA, for any loss, liability or damage that may result or accrue from actions taken in furtherance of the project for which the permit was issued, or because of the making, existence or manner of constructing, guarding or protecting any such opening or excavation during the term of said bond.

- B. The person, public or private utility, firm or corporation making and signing the application and receiving a permit acknowledges and agrees to be bound by and shall comply with all the provisions of this Ordinance.
- C. Any street opening that involves work on, or may interfere with, sanitary sewers or related appurtenances in any road, street, alley, highway, sidewalk or any other public way under the jurisdiction of the Borough of Lebanon shall first be approved, in writing, by the LBSA before the street opening permit can be issued by the Borough, except as may be provided under Section 3.0 – Emergency Repair.
- D. The application fee for such permit shall be one hundred dollars (\$100.00) per opening. Such fee shall be due and payable at the time the application is made to the Borough Clerk.
- E. In addition to the application fee, the applicant will be responsible for reasonable engineering and inspection fees by the Borough Engineer and/or by the LBSA Engineer, as set forth in the following schedule:
 - 1) Any opening area within the right-of-way and within the shoulder or sidewalk area of a road, less than one hundred (100) square feet: two hundred fifty dollars (\$250.00).

- 2) Any opening area within the right-of way and within the paved portion of asphalt roadways, less than one hundred (100) square feet: three hundred dollars (\$300.00).
 - 3) Any opening area located within the right-of way and within the paved portion of asphalt roadways with a concrete base course, less than one hundred (100) square feet: seven hundred and fifty dollars (\$750.00)
 - 4) Any opening area within the right-of-way and within the shoulder or sidewalk area of a road, one hundred (100) square feet or greater: two hundred fifty dollars (\$250.00.), plus forty-five dollars (\$45.00) for each additional one hundred (100) square feet of opening area or part thereof.
 - 5) Any opening area within the right-of way and within the paved portion of asphalt roadways, one hundred (100) square feet or greater: three hundred dollars (\$300.00.), plus fifty dollars (\$50.00) for each additional one hundred (100) square feet of opening area or part thereof.
 - 6) Any opening area located within the right-of way and within the paved portion of asphalt roadways with a concrete base course, one hundred (100) square feet or greater: seven hundred and fifty dollars (\$750.00.), plus an amount equal to five (5%) of the Borough Engineer's estimated cost of the street opening.
 - 7) A three-foot width shall be used as a typical trench width for the purpose of determining the inspection fee only. Any project requiring a larger trench width (i.e. deep excavations, trench box, etc.) may require the use of a wider width for the purpose of determining the appropriate engineering and inspection fees.
- F. Any trenching operations determined to have a potential impact on sanitary sewer facilities, at the sole discretion of the LBSA Engineer as well as any trenching operations that will exceed 100 feet in length within any right-of-way under the jurisdiction of the Borough where sanitary sewer facilities exist will require engineering and inspection fees for both the Borough Engineer and the LBSA Engineer. Said engineering and inspection fees shall be calculated separately at and in accordance with, paragraph 5.E, above.
- G. The Permittee on any permit issued where the LBSA Engineer indicated that engineering and inspection fees by their office were not anticipated, but found

evident in field conditions to warrant review and inspection by the LBSA Engineer, agrees to pay such engineering and inspection fees in accordance with paragraph 5.E above.

- H. In the event that the above inspection fees do not cover the cost of the Borough Engineer's and or the LBSA Engineer's inspections, or where field conditions warranted inspection by the LBSA Engineer, the permittee agrees to pay the additional costs of inspections. Any bond posted shall not be released and no additional permits shall be issued to the permittee until all outstanding inspection fees are paid in full.

§ 6.0. Issuance and display of permit.

The Borough Clerk shall provide each permittee, at the time a permit is issued hereunder, a suitable placard upon which is written the following notice: "Borough of Lebanon, New Jersey, Permit No. _____ Expires: _____." It shall be the duty of any permittee to keep the placard posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of expiration of the permit.

§ 7.0. Compliance with terms of permit; bracing.

It shall be unlawful to make any opening or excavation in any way contrary to or at variance with the terms of the permit therefore. Proper bracing, shoring and protection of the street excavation shall be maintained in accordance with all applicable safety codes including but not limited to the Federal Department of Labor Occupational Safety and Health Administration's Standards (OSHA). No portion of the excavated area below the surface shall extend beyond the opening at the surface. Compliance with this Section shall be the sole responsibility of the person, public or private utility, firm or corporation making and signing the application.

§ 8.0. Disturbance of pipes, cables or conduits.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or openings, and notice shall be given to the persons maintaining any such pipes, cable or conduits which are or may be endangered or affected by the making of any such excavations or openings before such pipes, cables or conduits shall be disturbed. The permittee shall be responsible for repairing or replacing any pipes, cables or conduits damaged during the excavation process to the satisfaction of the owner of said facility. Any work required on any sanitary sewer facilities shall be in accordance with the LBSA standard details or as directed by the LBSA Engineer.

§ 9.0 Methods of work.

- A.** The area of pavement to be removed from the proposed opening or excavation shall have straight, clean-cut edges made by saw cutting only. Excavation in pavement areas shall only be permitted between the saw cut limits. Any rough, ragged or zig-zag pavement edges shall be cut out in a straight line as directed by the Borough Engineer. All material removed from the excavation shall be removed from the work site and disposed of in accordance with all applicable Municipal, State and Federal Regulations.
- B.** Upon completion of the proposed work in the excavated area, all excavations and trenches shall be backfilled with dense graded aggregate (DGA) in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest revision. The backfilling shall be made in layers not to exceed twelve (12) inches in depth and be thoroughly compacted and shall be carried to within seven (7) inches of the existing surface in pavement areas and within six (6) inches of the existing surface in landscaped areas.
- C.** Upon completion of the compacted backfilling of the trench to the required elevation, all trench restoration in paved areas shall be made in accordance with the “Typical Trench Details, Borough of Lebanon Road Openings,” which is herewith made part of this Ordinance unless an alternate method is otherwise deemed appropriate by the Borough Engineer.
- D.** In areas where concrete base course below the asphalt surface course is removed for the proposed excavation, the compacted backfill shall be completed as above to the subgrade of the existing concrete base course. In any area where undermining of the concrete base course is occurring, backfill shall consist of a flowable fill mixture containing cement, sand, fly ash, water and/or foam mixtures. The flowable fill shall be a minimum thickness of 6-inches and extend the full width of the trench opening. Concrete base course and asphalt pavement restoration, shall be in accordance with the “Typical Trench Details for Concrete Base Course Pavement, Borough of Lebanon Road Openings.”
- E.** All of the backfilling and repairing of the excavated area shall be done in a neat and workmanlike manner so that the restored pavement meets the existing surrounding pavement as smoothly as possible. All costs for backfilling and pavement restoration shall be borne by the permittee.

- F. In landscaped areas, topsoil shall be placed for a minimum depth of 6-inches and the disturbed area shall be restored to match the existing vegetation in place prior to the start of the excavation.
- G. All disturbed areas shall be completely restored, as applicable, within three (3) days of the date that backfilling is completed.

§ 10.0. Tunneling and undermining.

No part of a trench or excavation shall be tunneled or undermined, except in such cases as may be approved by the Borough Engineer.

§ 11.0. Work done by Borough; expenses.

If the permittee fails to complete the excavation work covered by the permit, including backfilling and trench restoration as set forth in this Article, within the time set by said permit, the Borough and/or LBSA, under the advisement of the Borough Engineer and/or LBSA Engineer, shall have the right, but not necessarily the obligation, to do all work and things necessary to complete the excavation work and or restoration of the disturbed area. The permittee shall be liable for the actual cost thereof, plus twenty-five percent (25%) of such cost, in addition to general overhead and administrative expenses.

§ 12.0. Notice of new regulations; compliance.

Whenever the Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Borough Clerk shall promptly mail a written notice thereof to each person, firm or corporation owning any sewer main, conduit or other utility in or under said street. Such notice shall notify such persons, firms or corporations that no excavation permits shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the date of repaving or resurfacing of said street. Such notice shall also notify such person, firm or corporation that application for excavating permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit shall be completed as soon as practicable, and in no event later than the date specified in the permit for the excavation therefore. During the five-year moratorium period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency as described in this Article exists which makes it absolutely essential that the excavation permit be issued or such work is approved by the Borough Council. In the event of an emergency street opening, or other street opening approved by the Borough Council where the five (5) year moratorium is in effect, the finished pavement repair shall be constructed utilizing an approved infra-red patching process.

§ 13.0. Conduct of work; Protection of property.

Each permittee shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and shall promptly remove from the street all excess of excavated materials.

Each permittee shall be responsible to maintain and protect all of the permittee's work, the Borough's right-of-way, existing utilities and adjacent private property during the course of the street opening work. The permittee shall be responsible for any damages to such facilities resulting from the work performed under the permit. If property damage claims have been filed, or there exists reasonable evidence indicating probability of claims being filed, the cash deposit or surety bond posted shall not be released. In the event the permittee fails to complete the work covered by the permit, including restoration of disturbed or damaged property outside of the right-of-way, the provisions of Section 11 are applicable.

§ 14.0. Safety provisions.

All persons, firms or corporations granted a permit to make an opening or excavation in the public streets and highways of the Borough shall at all times maintain suitable traffic control devices, barricades and guards, display proper warning and signals and flags and provide all necessary traffic control to prevent injury to any person or damage to any vehicle by reason of the work. All such traffic control devices and flagger procedures shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, (MUTCD). Streets and highways must be kept open for traffic at all times, except when otherwise ordered or approved by the Borough Engineer. Where deemed necessary by the Borough Engineer, all persons, firms or corporations granted a permit under this ordinance shall be required to utilize police traffic directors for maintenance and protection of traffic. Additionally, the use of police traffic control officers shall be required when any excavation or road opening is within any portion of, or within one hundred (100) feet of an intersection of, the following streets:

Main Street, entire length

Cherry Street, entire length

Maple Street, during school hours

The cost of all traffic control devices and police traffic directors shall be borne by the permittee.

§ 15.0. Time limits; extensions.

No excavation shall be left open overnight, unless and under extraordinary circumstances approval is provided by the Borough Engineer. No street opening permit shall be issued pursuant to this Article for a period in excess of two (2) weeks, unless the Borough Engineer shall approve a greater period of time, either at the time of the application for the permit or subsequent thereto. If the Borough Engineer shall approve such a period of time at the time the application is submitted, it shall be so endorsed upon the application, and if approved subsequently, such approval shall be in writing and an endorsement to that effect attached to the placard required in Section 6.0 - Display of Permit. In any event, no such approval shall be granted except on written application, signed by the permittee or applicant, setting forth the reasons for such application.

§ 16.0. Filing of plans.

Users of subsurface street space shall file accurate drawings, plans and profiles showing the location and character of all existing underground structures and installations with the Borough Engineer within two (2) years after enactment of this Article. Corrected maps shall be filed with the Borough Engineer within sixty (60) days after new installations, changes or replacements are made.

§ 17.0. Insurance.

A permittee, prior to commencement of excavation work hereunder, shall furnish the Borough Clerk satisfactory evidence, in writing, that the permittee, or the contractor performing such work for the permittee, has in force and will maintain in force during the performance of the excavation work and the entire period of the excavation permit, public liability insurance, duly issued by an insurance company authorized to do business in the State of New Jersey of not less than the following:

- 1) Comprehensive general public liability insurance against claims for bodily injury, death and property damage, in an amount of not less than \$1,000,000.00, each occurrence and \$2,000,000 general aggregate
- 2) Comprehensive Automotive Liability Insurance against claims for bodily injury, death or property damage in combined single limit amount of not less than \$1,000,000, each incident
- 3) Property damage insurance of not less than five hundred thousand dollars (\$500,000.); and
- 4) Worker's Compensation Insurance coverage of all of Contractor's employees employed at the work site, except as relative to New Jersey Public or private utility Corporations

All liability insurance referred to above shall include the Borough of Lebanon and the LBSA, their departments, agencies, boards, commissions, officers, officials, agents, servants, administrators, and employees as additional insureds on a primary and non-contributory basis.

§ 18.0. Inspections and supervision.

The Borough Engineer shall verify the extent of the excavation or opening and shall observe and inspect the work. In the case of any work performed in connection with sanitary sewer facilities, the LBSA personnel shall observe and inspect the work related to the sanitary sewer appurtenances. Similarly, any work performed on any utility line or facility shall be subject to the approval of the appropriate utility owner. No bond or deposit money, as the case may be, shall be released until eighteen (18) months after the completion of the project and receipt of written certification from the Borough Engineer and/or LBSA Engineer stating that the work has remained in a satisfactory condition for said eighteen (18) months.

§ 19.0. Public or private utility corporate bond.

Public or private utility corporations of the State of New Jersey may file a corporate bond on a yearly basis in an amount of five thousand dollars (\$5,000.00) in lieu of cash deposits or surety bonds. Said bond shall be applicable only for projects located within the right-of-way of a road for a distance of less than 200 feet. For more extensive trenching operations, as determined by the sole discretion of the Borough Engineer, the provisions of paragraph A.4 of Section 5 shall govern. Said bond shall also be conditioned upon compliance with the provisions of § 9.0 hereof.

§ 20.0. Interpretation of provisions; liability.

This Article shall not be construed or interpreted as imposing upon the Borough or LBSA, or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Borough or LBSA or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 21.0. Violations and penalties.

Any person, firm or corporation who is found to be in violation of the provisions of this Ordinance shall be subject to a penalty in accordance with General Penalties provision of the

Revised Ordinances of the Borough of Lebanon (Ordinance #2010-4). Each day in which a violation exists shall be considered to be a separate offense

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

SECTION THREE: Effective date. This Ordinance shall take effect upon final adoption and publication in accordance with the law, and thereafter, any conflicting Ordinance or provision is repealed and replaced by this Ordinance.

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Administrator/Clerk

Richard J. Burton, Council President

Vote after public hearing and upon final adoption:

Burton 1 Ordinance approved by the Governing Body and
presented

Berger 1 to the Mayor on _____, 2020

Junge 1

Baldinger 1

Saharic 0

Harris 1

Veto in Whole or Part:

Approved:

Jim Pittinger, Mayor

Date:

Jim 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 June 25, 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 July 15, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Clerk

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020- 05**

**AN ORDINANCE OF THE BOROUGH OF LEBANON,
IN THE COUNTY OF HUNTERDON TO AMEND THE
ORDINANCE
GOVERNING THE OPENING AND STREET EXCAVATION
OF ANY PUBLIC RIGHT OF WAY**

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 25th day of June 2020, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of July, 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: June 25, 2020
ADOPTED: July 15, 2020

The Motion was passed by the following vote:

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

NO:

Absent: Councilwoman Saharic

ORDINANCE 2020-06 INTRODUCTION:

Council President Burton made a motion to introduce Ordinance 2020-06 with a second by Councilman Berger.

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

ORDINANCE #2020-06

REFUNDING BOND ORDINANCE OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough") issued \$3,522,000 General

Improvement Bonds, Series 2011 dated February 24, 2011, \$2,292,000 of which are currently outstanding and maturing on or after February 1, 2021 and which bonds are subject to redemption on or after February 1, 2020 at a redemption price equal to 100% of the par amount to be redeemed (the "Refunded Bonds"); and

WHEREAS, the Borough Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate net present value debt service savings to the Borough equal to or greater than three percent (3%), which savings is the minimum amount required to obtain approval for such refunding from the Local Finance Board, Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board"); and

WHEREAS, the Borough Council has determined to provide for the refunding of the Refunded Bonds through the issuance by the Borough of not to exceed \$2,500,000 aggregate principal amount of General Improvement Refunding Bonds, Series 2020.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs of issuance associated therewith, the Borough is hereby authorized to issue the General Improvement Refunding Bonds in an aggregate principal amount not to exceed \$2,500,000 (the "Refunding Bonds"), to be issued in one or more issues, all in accordance with the requirements of N.J.S.A. 40A:2-51, and to appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Improvement Refunding Bonds, Series 2020", with such other designation as may be necessary to identify such bonds, including each series thereof.

SECTION 3. The purposes for which the Refunding Bonds are to be issued are to achieve debt service savings for the Borough by refunding all or a portion of the callable principal amount of the Refunded Bonds, including the payment of interest accrued thereon on each interest payment date to the dates fixed for redemption for the applicable series of Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$900,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of

expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance premiums, advertising, paying agent and escrow fees, verification agent fees, rating agency fees, accounting, municipal advisory, legal and other expenses in connection therewith.

SECTION 5. The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Borough (“net” meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing on the Refunding Bonds, the Clerk shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds’ debt service and the Refunded Bonds’ debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds and (d) a certification of the Clerk that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the Borough Council..

SECTION 6. The Supplemental Debt Statement relating to the Refunding Bonds, required by the Local Bond Law, has been duly made and filed in the Office of the Clerk of the Borough, and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance, and will be decreased by the amount of the Refunded Bonds.

SECTION 7. To the extent that the Refunding Bonds are issued as federally tax exempt obligations, the Borough Council hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”), including compliance with the Code with regard to the use, expenditure, and investment of the proceeds of the Refunding Bonds, and the timely reporting and rebate of investment earnings on such proceeds as may be required thereunder.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: July 15, 2020

Karen M Romano

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

ADOPTED ON SECOND READING

DATED: August 19, 2020

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2020

JAMES J. PITTINGER, Mayor
BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), on July 15, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey on August 19, 2020 at 7:30 p.m. Information regarding remote access to the meeting may be found on the Borough's website at www.lebanonboro.com. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Office of the Clerk of the Borough for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

Purpose(s): The refunding of certain outstanding general improvement bonds of the Borough to achieve debt service savings on the Borough's existing debt, and authorizing the issuance of not to exceed \$2,500,000 general improvement refunding bonds of the Borough to effect such refunding

Appropriation: Not to Exceed \$2,500,000

Grants Appropriated: None

Bonds/Notes Authorized: Not to Exceed \$2,500,000

Section 20 Costs: \$900,000

Useful Life: N/A

Karen M Romano

**KAREN M. ROMANO,
Clerk of the Borough of Lebanon
BOROUGH COUNCIL OF THE BOROUGH OF LEBANON
PUBLIC NOTICE
BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey on August 19, 2020 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Office of the Clerk of the Borough for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

Purpose(s): The refunding of certain outstanding general improvement bonds of the Borough to achieve debt service savings on the Borough's existing debt, and authorizing the issuance of not to exceed \$2,500,000 general improvement refunding bonds of the Borough to effect such refunding

Appropriation: Not to Exceed \$2,500,000

Grants Appropriated: None

Bonds/Notes Authorized: Not to Exceed \$2,500,000

Section 20 Costs: \$900,000

Useful Life: N/A

Karen M Romano

KAREN M. ROMANO,
Clerk of the Borough of Lebanon

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on July 15, 2020 at 7:30 p.m. at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey, and that the following was the roll call:

Present: Burton, Berger, Junge, Harris, Baldinger

Absent: Saharic

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 15 day of July, 2020.

(SEAL)

Karen M Romano

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on August 19, 2020 at 7:30 p.m. at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey, and that the following was the roll call:

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

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 19 day of August, 2020.

(SEAL)

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Jennifer Mooney, the Chief Financial Officer of the Borough as of July 15, 2020, that such Supplemental Debt Statement was filed in my office on or by July 15, 2020 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on August 12, 2020.

KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon

CLERK'S CERTIFICATE

I, KAREN M. ROMANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Lebanon, in the County of Hunterdon (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached here is the bond ordinance introduced on July 15, 2020 and finally adopted on August 19, 2020, and approved by the Mayor, as applicable, on August 19, 2020.

2. After introduction, the bond ordinance was published as required by law in Hunterdon Democrat on July 23, 2020.

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the public place in the principal municipal; building of the Borough where the Borough Council customarily holds its meetings, a copy of said bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

4. After final passage, the bond ordinance was approved by the Mayor on August 19, 2020 and was duly published as required by law in__ (name of the Hunterdon Democrat on August 20, 2020. No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication after final adoption or at any other time after the final passage thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 21 day of August 21, 2020.

(SEAL)

**KAREN M. ROMANO,
Administrator/Clerk of the
Borough of Lebanon**

ATTEST:

LEBANON BOROUGH COUNCIL

Karen M. Romano, RMC
Borough Administrator/Clerk

Richard J. Burton, Council President

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 15, 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 August 19, 2020 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.

Karen M. Romano, RMC
Borough Administrator/Clerk

Vote after public hearing and upon final adoption:

Burton

Saharic

Junge

Harris

Berger

Baldinger

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

Veto in Whole or Part:

Approved:

James J Pittinger, Mayor
Date:

James J Pittinger, Mayor
Date: _____

Returned to Borough Clerk with
statement attached on _____

Introduced: July 15, 2020
Adopted August 19, 2020

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020-06**

**REFUNDING BOND ORDINANCE OF THE BOROUGH OF
LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW
JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN
OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE
BOROUGH TO ACHIEVE DEBT SERVICE SAVINGS, AND
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL
IMPROVEMENT REFUNDING BONDS OF THE BOROUGH TO
EFFECT SUCH REFUNDING AND APPROPRIATING THE
PROCEEDS THEREFOR**

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 15th day of July 2020, and the same came up for final passage at a meeting of the said Borough Council on the 19th day of August, 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: July 15, 2020

ADOPTED:

The Motion was passed by the following vote:

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

NO:

Absent: Councilwoman Saharic

ORDINANCE 2020-07 INTRODUCTION:

Council President Burton made a motion to introduce Ordinance 2020-07 with a second by Councilman Junge.

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

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON TO AMEND CHAPTER 140, DISORDERLY CONDUCT OF THE LEBANON BOROUGH ORDINANCES TO PROHIBIT URINATION OR DEFECATION IN PUBLIC PLACES

WHEREAS, it has recently come to the attention of members of the Governing Body of the Borough of Lebanon that persons have, or attempted to urinate and/or defecate in public places within the Borough; and

WHEREAS, such activity, in addition to being against public peace and decency, may affect the public health and safety of the residents of the Borough of Lebanon.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Lebanon, with the approval of the Mayor, that Chapter 140, Disorderly Conduct of Lebanon Borough Ordinances be amended to add the following provisions:

1. URINATION/DEFECATION IN PUBLIC PLACES; EXPOSURE

A. DEFINITION OF PUBLIC PLACE. A public place shall mean any place to which the public has access and includes any street, highway, road, alley, boardwalk or sidewalk. It shall also include the front or neighborhood of any store, shop, restaurant, tavern, or other place of business and public grounds, areas, parks, as well as parking lots or the vacant property not owned by or under the control of the person charged with violating this section or, in the case of a minor, not owned or under the control of his or her parent or guardian.

B. PROHIBITIONS.

a. It shall be unlawful for any person to urinate or defecate, in or upon any public place, or any other places open to or used by the public, other than when using a toilet, urinal, or commode located in a restroom, bathroom, or structure enclosed from public view.

b. No person shall expose his/her genitals in a public place, or in public view, or in an area to which the public is invited or has access.

C. ENFORCEMENT. Enforcing provisions of this section shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:

- (1) Children under 9 years of age or younger.
- (2) Persons of any age who violate this article due to a verified medical and/or psychiatric condition.

D. VIOLATIONS AND PENALTIES. Any person violating any provision of this section, upon conviction, shall be subject to General Penalty provisions of Ordinance #2010-4 of the Borough of Lebanon.

2. CONTINUITY.

All other provisions of Chapter 140 – Disorderly Conduct shall remain unchanged, and in full force and effect.

3. SEVERABILITY.

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

4. EFFECTIVE DATE.

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

Vote after public hearing and upon final adoption:

Burton _____
Berger _____
Junge _____
Baldinger _____
Saharic _____
Harris _____

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

Veto in Whole or Part:

Approved:

James Pittinger, Mayor
Date:

{or}

James 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 July 15, 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 August 19, 2020 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano,
Borough Administrator/Clerk

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2020- 06**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON TO
AMEND CHAPTER 140, DISORDERLY CONDUCT OF THE LEBANON BOROUGH
ORDINANCES TO PROHIBIT URINATION OR DEFECATION IN PUBLIC PLACES**

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 15th day of July 2020, and the same came up for final passage at a meeting of the said Borough Council on the 19th day of August, 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: July 15, 2020
ADOPTED:**

The Motion was passed by the following vote:

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

NO:

Absent: Councilwoman Saharic

RESOLUTION #93-2020:

Councilman Berger made a motion to approve Resolution #93-2020 with a second by Council President Burton.

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

RESOLUTION #93-2020

**RESOLUTION OF THE BOROUGH OF LEBANON, IN THE
COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

AUTHORIZING AN AGREEMENT FOR CERTAIN MUNICIPAL ADVISORY SERVICES

WHEREAS, there exists a need for specialized municipal advisory services in connection with the undertaking of the issuance of obligations by the Borough of Lebanon, in the County of Hunterdon, New Jersey (the "Borough"), a body corporate of the State of New Jersey, including the financial analysis of the Borough's financing options, the tax impact implication of such options and other financial services related to the issuance of the obligations; and

WHEREAS, the Borough has received a proposal for such services from Phoenix Advisors, LLC; and

WHEREAS, funds are or will be available for this purpose;

BE IT RESOLVED BY THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON AS FOLLOWS:

1. The firm of Phoenix Advisors, LLC, Bordentown, New Jersey is hereby retained to provide specialized municipal advisory services in connection with the issuance of obligations by the Borough.
2. The Borough Clerk is hereby authorized to execute a Municipal Advisory Services Contract (the "Contract").
3. The Contract is awarded without competitive bidding in accordance with the Public Contracts Law, N.J.S.A. 40A:11-1 et seq. because such services are a professional service and shall not exceed \$17,500.
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.

CERTIFICATION

I, KAREN M. ROMANO, Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT FOR CERTAIN MUNICIPAL ADVISORY SERVICES", is a copy of a resolution which was duly adopted by the Borough Council at a meeting duly called and held on July 15, 2020 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so

far as they relate to the subject matters referred to within, and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this 19th day of July, 2020.

(SEAL)

KAREN M. ROMANO,
Administration/Clerk of the
Borough of Lebanon

Introduced and adopted: July 19, 2020:

Ayes: Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent: Saharic _____

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 July 19, 2020 force and effect as of the date I have subscribed my signature.

Date: June 19, 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:

2019 Audit Approval: TABLED

APPROVAL OF EXPENDITURES:

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

The Motion was passed by the following vote:

Lebanon Borough

List of Bills - (All Funds)

Meeting Date: 07/15/2020 For bills from 06/18/2020 to 07/13/2020

Vendor	Description	Payment	Check Total
Current Fund			
746 - BETHLEHEM TOWNSHIP	PO 10559 Shared Services CFO July 2020	2,249.08	2,249.08
861 - Building Systems & Services, Inc.	PO 10581 Honeywell Building Automation Systems Ma	1,200.00	1,200.00
247 - COMCAST	PO 10589 Internet / Phone Service: 96 Main Street	234.46	
	PO 10602 Internet / Phone Service: 6 High Street	998.90	1,233.36
652 - CONSTELLATION NEWENERGY INC	PO 10580 Electricity: 5/12/2020 - 6/11/2020	551.51	551.51
39 - ELIZABETHTOWN GAS	PO 10569 Natural Gas 5/19/2020 - 6/17/2020	180.10	180.10
769 - Great America Financial Services	PO 10562 Phone System Lease July 2020	101.19	101.19
670 - HARRY HAUSHALTER	PO 10584 Professional Services: Tax Appeals May 2	270.00	270.00
153 - HOME DEPOT CREDIT SVCS	PO 10599 Building and Grounds	87.62	87.62
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 10565 Employee Dental 7/1/2020 - 8/1/2020	100.65	100.65
16 - JCP&L	PO 10564 Electricity	1,284.10	
	PO 10568 Electricity	612.23	1,896.33
597 - JERSEY ELEVATOR COMPANY INC.	PO 10583 Monthly Maintenance July 2020	146.79	146.79
167 - KAREN ROMANO	PO 10560 Cell Phone Reimbursement July 2020	100.00	
	PO 10570 Reimbursement: Costco	44.56	144.56
557 - LANDMARK FIRE PROTECTION, INC.	PO 10598 2020 Quarterly Firre Sprinkler Testing a	460.00	460.00
119 - LEBANON FIRE COMPANY	PO 10557 2020 Annual Contribution - Partial Payme	6,942.80	6,942.80
715 - Maser Consulting P.A.	PO 10577 Affordable Housing	1,793.44	1,793.44
2 - MGL FORMS-SYSTEMS, LLC	PO 10573 Minute Book Filler Sheets	136.00	136.00
129 - NJ DIVISION OF ALCOHOLIC	PO 10593 Liquor License Renewal 2020-2021	3.00	3.00
70 - NO HUNTERDON-VOORHEES REG HS DIST	PO 10590 Regional School Tax July 2020	288,616.83	288,616.83
31 - NOVAK & NOVAK LLC	PO 10558 Legal Services Retainer July 2020	4,083.33	
	PO 10592 Special Litigation Matter Lebanon Declar	886.55	4,969.88
233 - PITNEY BOWES	PO 10553 Red Ink Cartridges	254.97	254.97
20 - QUILL CORPORATION	PO 10520 Building & Grounds	13.58	
	PO 10522 Clorox Disinfecting Spray	20.98	
	PO 10566 Cleaning Supplies	17.37	51.93
830 - Republic Services	PO 10563 Monthly Garbage Disposal 6/1/2020 - 6/30	6,765.00	6,765.00
176 - SHOPRITE OF HUNTERDON COUNTY	PO 10591 Milk & Half n Half	4.64	4.64
256 - STATE OF NEW JERSEY, TREASURY	PO 10579 Employers share for Retro pension	322.14	322.14
369 - STICKEL KOENIG & SULLIVAN & DRILL L	PO 10596 Affordable Housing June 2020	245.00	
	PO 10597 Planning Board & Board of Adjustments Ju	227.50	472.50
291 - STORM WATER COMPLIANCE SOLUTIONS LL	PO 10575 Annual 2020 Stormwater Inspection	3,800.00	3,800.00
765 - Tele Cloud, LLC	PO 10586 Monthly Phone Service: 7/1/2020 to 7/31/	256.24	256.24
808 - Thermal Service of New Jersey Inc.	PO 10588 Monthly Billing of PM Service Contract	330.00	330.00
43 - TOWN OF CLINTON	PO 10594 Fire Hydrants - 2nd Qtr. Water Billing -	6,287.25	6,287.25
66 - TREASURER, STATE OF NEWJERSEY	PO 10567 Environmental Resgulations, ID#000000207	1,050.00	1,050.00
718 - VIKING PEST CONTROL	PO 10571 Pest Control June 2020 6 High Street	57.87	57.87
718 - VIKING PEST CONTROL	PO 10601 Pest Control July 2020- 6 High Street &	113.24	113.24
27 - WASTE MANAGEMENT OF NJ INC	PO 10587 Municipal Waste 6/1/2020 - 6/30/2020	6,378.14	6,378.14

ANIMAL CONTROL FUND

321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 10585 Animal License Fee June 2020	5.40	5.40
TOTAL			337,232.46

Total to be paid from Fund 01 Current Fund	337,227.06
Total to be paid from Fund 12 ANIMAL CONTROL FUND	5.40
	<u>337,232.46</u>

Checks Previously Disbursed

7152020	NJ STATE HEALTH BENEFITS PLAN	PO# 10578	Employee Health Benefits June 2020	4,223.48	6/29/2020
71520	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 10561	Email Service July 2020	227.50	6/29/2020
20203006	LEBANON BOROUGH PAYROLL		PAYROLL 6/30/2020	11,844.69	6/22/2020

				16,295.67	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	16,295.67	337,227.06	353,522.73
Fund 12 ANIMAL CONTROL FUND		5.40	5.40
BILLS LIST TOTALS	16,295.67	337,232.46	<u>353,528.13</u>

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

NO:

Absent:

Councilwoman Saharic

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:

MISCELLANEOUS:

COUNCIL COMMITTEES:

Shade Tree: Joe Hauck chair stated the Ash Tree in the park is infected with Emerald ash bug. A tree expert may need to be obtained. The Committee will be out pruning trees in town as well as the park.

Recreation: Ben Valliere chair stated the September Yard Sale and Halloween are being discussed.

Public Safety: Bob Junge introduced Carona Davis Diop. Carona presented the agenda for the Peace Vigil scheduled for Sunday July 19th in the park. Trooper Sanderson and Sargent Walsh stated concern regarding parking and parking attendants, crowd control and water stations. Councilwoman Baldinger thanked Mrs. Diop for taking the lead on the event and said she looked forward to being there.

ADJOURN:

Councilwoman Saharic moved and Council President Burton seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 8:45 pm by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBCC
7-17-13
30

LBCC
7-17-13
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