



LEBANON BOROUGH COMMON COUNCIL
Wednesday, August 19, 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, Council President Burton, Councilman Berger, Councilman Junge, Councilwoman Harris and Councilwoman Baldinger
Absent: Councilwoman Saharic
Also, Present: Administrator /Clerk Karen M Romano RMC
and Attorney Joseph Novak Esq.

RESOLUTION #94-2020:

Councilman Junge made a motion to approve Resolution 94 -2020 the Consent Agenda. With a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION # 94-2020
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. NJLM Annual Conference
2. NJDOT Set-Aside program
3. Fire Marshal Report
4. Animal Control Solutions Report
5. Finance Report
6. Tax assessor report

Introduced and adopted: August 19, 2020

Ayes: Burton, Berger, Junge, Harris, Baldinger

Nays:

Abstain:

Absent: Saharic

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

Date: August 19, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

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,

APPROVAL OF MINUTES:

Council President Burton made a motion to approve the July 15, 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,

OPEN PUBLIC SESSION:

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

Ben Valliere of Brunswick Ave stated there were car break ins on Brunswick Ave. Via Text message Trooper Sanderson stated. The car break-ins area an open case. As stated, every summer, people need to lock their doors. The group that did this was from our east near Newark They are not local and specifically travel out to the rural areas looking for easy opportunities to steal from unlocked cars. We remind everyone, especially during the warmer summer months to keep their doors locked day and night. Feel free to contact me with any questions.

Lex Saharic OEM Chair stated 2 large branches came down on Main Street during the tropical storm. One branch left a Comcast cable down. Thank you to the Fire Company, JCP&L and the Shade Tree committee for keeping up with the trees, Lebanon had not damage.

Mary Logan of Cherry Street stated Hunterdon County High Top agency that dealt with young substance abuse is closing due to lack of funding. The county is looking for a way to connect with families.

Joe Hauck Chair of the Environmental and Shade Tree Committees stated he helped get rid of a tree covered in Spotted Lantern flies. Joe and Fire Chief Saharic are working together to prune trees through town. Joe spoke to a resident of High Street who is having water issues. Ben

confirmed the water issue is on both sides of High Street. He has problems as well. Councilman Burton Chair of Streets and Roads stated the water issues would be looked at by the Engineer as planning for repairs are done.

Ben Valliere questioned if the Bond Refund would affect taxes. Auditor Bill Colantano stated there would be a savings of \$27,000 a year for 11 years.

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

Attorney Novak explained Ordinance 2020-08 the New Multi-Family Zoning Ordinance.
OPEN PUBLIC SESSION ORDINANCE # 2020-06:

Council President Burton made a motion to open the public session for Ordinance 2020-06. 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 2020-06 ADOPTION:

Council President Burton made a motion to adopt 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,
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 19 DAY OF August, 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,
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,
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 _15th day of July 2020.

(SEAL)

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

LBCC
8-19-2020

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

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 19 day of August 2020.

(SEAL)

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

LBCC
8-19-2020

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.

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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 1

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8-19-2020

Saharic 0

Junge 1

Harris 1

Berger 1

Baldinger 1

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: August 19, 2020

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**

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8-19-2020

**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: August 19, 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

Attorney Novak explained Ordinance 2020-09 the Stormwater Management Ordinance.

OPEN PUBLIC SESSION ORDINANCE # 2020-07:

Council President Burton made a motion to open the public session for Ordinance 2020-07. 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 2020-07 ADOPTION:

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

LBCC
8-19-2020

**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 ___ 1 ___
Berger ___ 1 ___
Junge ___ 1 ___
Baldinger ___ 1 ___
Saharic ___ 1 ___
Harris ___ 1 ___

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

LBCC
8-19-2020

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- 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**

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.

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8-19-2020

Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: July 15, 2020

ADOPTED: August 19, 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 2020-08 INTRODUCTION:

Council President Burton made a motion to introduce Ordinance 2020-08 with a second by Councilman Berger.

BOROUGH OF LEBANON

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2020-08

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-12, MULTIFAMILY RESIDENCE 12 DISTRICT, AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough of Lebanon has a constitutionally-mandated obligation to provide through its zoning ordinance a realistic opportunity for the creation of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough Council has created the realistic opportunity for the creation of affordable housing and desires to create additional opportunities for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands known as 400 and 500 Corporate Drive, identified as Block 4, Lots 1.03 and 1.04, respectively, 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-12, Multi-Family Residence 12 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 295-5 is revised to modify and include the following definitions:

MAXIMUM BUILDING COVERAGE – The maximum area of a lot permitted to be covered by buildings or structures, principal and accessory.

MAXIMUM LOT COVERAGE – The maximum area of the lot permitted to be covered by any buildings and structures as defined in “maximum building coverage” and other impervious surfaces.

STREET, PUBLIC – A thoroughfare, however designated, which is open to travel, public or private, and designated by the Borough Council or other governmental entity as a publicly-owned-street.

STREET, PRIVATE – A street that has not been dedicated or accepted by the Borough or other governmental entity as a public street.

SECTION 2.

Chapter 295 entitled “Zoning”, Subsection 295-101 is revised to add the new zone district of Multifamily Residence 12:

§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
Multifamily Residence 12	R-MF-12

SECTION 3.

Chapter 295 entitled “Zoning”, Subsection 295-115 is hereby deleted in its entirety and replaced as follows:

§ 295-115. Multifamily Residence 12, R-MF-12 District

- A. Definitions. The following definition shall apply only to the Multifamily Residence 12 District:

TRACT – The area encompassed by Block 4, Lots 1.03 and 1.04. The MF -12 District shall have access from Corporate Drive, a private road.

- B. Permitted Principal Uses.

(1) Multi-family dwellings.

- C. Permitted Accessory Uses.

- (1) Public or private recreation facilities, including pools and decks.
- (2) Fences and walls.
- (3) Off-street parking.
- (4) Parking garages and/or deck incorporated into the building design.
- (5) Trash enclosures.
- (6) Signs.
- (7) Public and private utilities.
- (8) Leasing and management office, mail room, lounges, game rooms, and similar interior tenant amenities.

- (9) Storage spaces unattached to the units, but used by occupants of units, which are incorporated into, and located within, the multi-family residential building. Storage spaces shall be a minimum of 300 cubic feet per unit.
- (10) Dog spa or pet grooming facility, not including boarding or veterinarian services, intended only for the residents of the multi-family development and located within the principal structure.
- (11) Electric vehicle charging stations.
- (12) Emergency generators.

D. Area, Bulk and Yard Requirements.

- (1) Minimum tract area – 22 acres, inclusive of Corporate Drive.
- (2) The standards in subsection (3) through (10) below shall apply to the entire tract.
- (3) Minimum building setbacks:
 - (a) Front yard setback (measured from the Corporate Drive right-of-way and/or easement) – 20 feet.
 - (b) Rear yard setback (Route 78) – 30 feet.
 - (c) Side yard – 40 feet.
- (4) Density – 12.7 units per acre, up to a maximum of 280 units.
- (5) Minimum distance between buildings – 22 feet.
- (6) Maximum building length of any facade – 350 feet.
- (7) Maximum building coverage - 15%.
- (8) Maximum lot coverage - 60%.
- (9) Maximum building height – 4 stories and 55 feet, which is measured to the midpoint of a pitched roof.
- (10) Maximum number of principal buildings – two per lot, four per zone.

E. Affordable Housing Requirements.

- (1) Fifty-six (56) units shall be reserved for, and affordable to, very-low, low- and moderate-income households regardless of tenure. The affordable units shall be family rental units.
- (2) The income distribution of the affordable units shall be: twenty-eight (28) units reserved for moderate-income households, twenty (20) units shall be reserved for low-income households, and eight (8) units shall be reserved for very-low income households.
- (3) The affordable units shall have at least a 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.
- (4) The bedroom distribution shall be: twelve (12) three-bedroom units, thirty-three (33) two-bedroom units, and eleven (11) one-bedroom units. Each income distribution of the affordable units shall be proportionally distributed across each bedroom category.
- (5) The developer shall be responsible for retaining the Borough's Administrative Agent, or an approved equivalent as permitted by the Borough, at the developer's sole cost and expense.
- (6) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.
- (7) The affordable units shall be dispersed throughout the site and provided in accordance with the phasing schedule in N.J.A.C. 5:93-5.6(d).

F. Lighting.

- (1) LED lights of the soft white category shall be used in parking areas.
- (2) Parking lot lighting shall be no more than twenty (20) feet in height.
- (3) A minimum average of one-half (0.5) footcandle shall be maintained within parking areas. A minimum average of 0.3 footcandle shall be maintained over all pedestrian walkways.
- (4) Parking lot fixtures shall be full cut off.

- (5) Footcandles at the tract boundary shall not exceed one (1) footcandle, except where there are entrance/exit driveways and common access drives.

G. Parking Requirements.

- (1) All parking spaces shall measure no less than nine (9) feet in width by eighteen (18) feet in length, except ADA accessible parking designed in accord with ADA standards.
- (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.
- (5) Off-street parking shall not be located along any shared driveways with properties outside of the zone.
- (6) Up to four (4%) percent of the parking may be compact spaces, which shall measure no less than eight and one-half (8.5) feet by sixteen (16) feet. If compact spaces are utilized, they shall be clearly marked as such.
- (7) Handicapped parking shall be located and detailed as per State regulations.

H. Pedestrian Circulation.

- (1) Walkways and/or sidewalks shall link all buildings within each section of the development. Said walkways/sidewalks shall be a minimum of four (4) feet wide.
- (2) Where walkways and/or sidewalks traverse streets, driveways, and/or access aisles, crosswalks shall be delineated by striping of a contrasting color or material.
- (3) Benches shall be located throughout the site along the pedestrian network. Benches shall be installed, at a minimum of one (1) for every six hundred (600) linear feet of walkway.

I. Recreation and open space.

- (1) A minimum of five (5%) percent of the tract shall be open space for the use of residents. This may be linear walking paths, passive spaces, active recreation areas or the like.

- (2) Due to the zone's location, on the opposite side of Route 22 as the Borough's park, an active recreation area shall be provided for children living within the development. This recreation area shall include, at a minimum, three pieces of equipment. Examples include, but are not limited to swings, slide, nets, and climbers.

J. Building Design.

- (1) There shall be no market-rate units containing more than two bedrooms. Any market-rate units proposed to include a den shall include a lease restriction prohibiting the use of the den as a bedroom.
- (2) In order to avoid long, monotonous, uninterrupted walls or roof planes, building wall offsets, including projections and recesses, shall be provided 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.
- (3) The maximum spacing between such offsets shall be sixty (60) feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1.0) foot.
- (4) Vertical offsets can include, but are not limited to, pilasters, projecting bays, changes in façade materials, canopies, and balconies.
- (5) 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.
- (6) Roofline offsets, such as dormers and gables, shall be provided along any roof measuring more than ninety (90) feet in length to relieve the visual effect of a single long roof. The maximum spacing between such offsets shall be forty-five (45) feet.
- (7) Building façades visible from any public or private street shall consist of durable, long-lasting materials such as brick, stone, cast stone, vinyl, HardiePlank or other high-quality material.
- (8) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
- (9) Windows shall be vertically proportioned.

- (10) All building entrances shall be clearly articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (11) Heating, ventilating and air-conditioning systems, utility meters and regulators, emergency generators, 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.

K. 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. Plant selection shall consider susceptibility to disease and insect damage, wind and ice damage, habitat, soil conditions, growth rate, longevity, root pattern, and maintenance requirements.
- (3) Parking lot landscaping.
 - (a) One (1) landscaped area of at least 162 square feet, shall be provided for every twenty (20) surface parking spaces. Said landscaping may be located around the perimeter of the parking area, within five feet of the curb, instead of within the parking area.
 - (b) The landscaped area shall contain one (1) tree with a caliper of at least three (3) inches or three (3) shrubs planted at a height of at least two and a half (2.5) feet.
 - (c) Parking areas visible from Corporate Drive shall be screened by landscaping at least four (4) feet in height at the time of planting, except within sight triangle easements.
- (4) 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.

- (5) Street trees.
 - (a) Street trees shall be provided along Corporate Drive, planted at an average of fifty (50) feet on center.
 - (b) Existing trees may be counted in meeting the requirement if they are within fifteen (15) feet of the cartway.
 - (c) Street trees shall be a minimum three (3) inch caliper.

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

- (1) Monument sign.
 - (a) A maximum of three monument signs shall be permitted.
 - (b) The maximum sign area for each sign (excluding the base) shall be forty (40) square feet per side.
 - (c) The maximum sign height shall be five (5) feet, including based/ pedestal.
 - (d) Monument signs shall be setback a minimum of ten (10) feet from any driveway, accessway, and/or public or private street right of way.
 - (e) Monument signs may be internally illuminated.

M. Refuse.

- (1) Trash and recycling receptacles shall not be visible from any public or private 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.
- (3) Trash and/or recycling may be stored inside the buildings.

N. Utilities. All utilities shall be underground.

O. Fences and walls.

- (1) Fences and walls between the building façade and Corporate Drive shall be a maximum of four (4) feet in height.
 - (2) Retaining walls located elsewhere on the site shall be a maximum of thirteen (13) feet in height. Fall protection shall be provided in accordance with State law.
 - (3) Fences and/or walls around trash and/or recyclable containers may be a maximum of eight (8) feet in height.
 - (4) Where a fence is installed on top of a retaining wall and located within six feet of the face of the wall, the height of the fence shall include the height of the retaining wall. Safety fences four (4) feet or less in height shall be excluded from this provision.
 - (5) The use of barbed wire, razor wire, or similar is prohibited, unless the use of such fence is required by state or federal statute or regulation.
- P. Site Improvement Standards. Streets, curbs, gutters, sidewalks, pavements, street signs, parking lots, water supply system, fire hydrants, sanitary sewer system, and stormwater management shall be designed in accordance with the Residential Site Improvement Standards.
- Q. Off-site improvements.
- (1) In order to assess the design and circulation patterns on-site and off-site, including vehicular and pedestrian circulation, a traffic report shall be submitted with any application within the R-MF-12 Zone.
 - (2) This analysis shall include any necessary vehicular and pedestrian improvements at the intersection of Corporate Drive and Route 22, Corporate Drive and Cokesbury Road, and Route 22 and Cokesbury Road.

SECTION 4.

Whereas, upon adoption of this Ordinance, the Borough Engineer is directed to amend the official Zoning Map of the Borough of Lebanon to illustrate the location of the Multifamily Residence 12 (R-MF-12) District on Block 4, Lots 1.03 and 1.04.

SECTION 5. Severability.

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8-19-2020

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 6. Repealer.

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

SECTION 7. 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
Vote after public hearing and upon final adoption:

Richard Burton, Council President

Berger _____

Burton _____

Junge _____

Saharic _____

Harris _____

Baldinger _____

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.

LBCC
8-19-2020

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on August 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 September 16, 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: Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent: Councilwoman Saharic

ORDINANCE 2020-09 INTRODUCTION:

Council President Burton made a motion to introduce Ordinance 2020-09 with a second by Councilman Berger.

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

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON, DELETING CHAPTER 252 "STORMWATER REGULATIONS" IN ITS ENTIRETY AND REPLACING IT WITH CHAPTER 252 "HIGHLANDS REGION STORMWATER MANAGEMENT PROGRAM AND STORMWATER CONTROL" ORDINANCE

WHEREAS, the Borough of Lebanon has received a grant from the New Jersey Highlands to prepare and adopt a new Highlands Regional Stormwater Management Program and Stormwater Control Ordinance; and

WHEREAS, the Highlands Council provided a template document that the Borough Engineer modified to reflect the conditions within the Borough; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Lebanon that a Chapter 252 is deleted in its entirety and replaced with the following text:

SECTION 1.

CHAPTER 252

**HIGHLANDS REGIONAL STORMWATER MANAGEMENT PROGRAM AND STORMWATER CONTROL
ORDINANCE**

The following exhibits are hereby attached to Chapter 252 and are attached to this Ordinance for incorporation into the code.

Exhibit A: Net Water Availability

Exhibit B: Lebanon Groundwater Recharge Areas

Chapter 252 entitled "Highlands Region Stormwater Management Program and Stormwater Control" is hereby created with the following standards:

§252-1. SCOPE AND PURPOSE

A. POLICY STATEMENT

The Stormwater Management rules, N.J.A.C. 7:8, establish design and performance standards for management of stormwater that address water quality, water quantity and recharge. Flood control, groundwater recharge and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and

the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity and groundwater recharge.

B. PURPOSE

The purpose of this chapter is to establish minimum stormwater management requirements and controls on all development within the Borough, as defined below in **§252-2.**, unless otherwise exempted therefrom under this chapter.

C. APPLICABILITY

1. This chapter shall be applicable to the following developments.
 - a. Non-residential major developments.
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.; and
 - c. Minor developments, pursuant to **§252-3. B.**
2. This chapter shall also be applicable to all major developments undertaken by the Borough of Lebanon.

D. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter

imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§252-2. DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Centers, Cores or Nodes means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA Planning Map means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

Carbonate Rock Area means an area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite, has been identified.

Community basin means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8- 4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

Compaction means the increase in soil bulk density.

Contributory drainage area means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

Core means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County review agency means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinance

Current Deficit Area means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

Department means the Department of Environmental Protection.

Designated Center means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Design engineer means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Development means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, 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 is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Disturbance for the purpose of this rule is as defined below.

Development, Exempt means an individual development, as well as multiple developments that individually or collectively create less than one thousand (1,000) square feet of new impervious area in total and disturbs less than two thousand five hundred (2,500) square feet of land. Any project meeting the definition of exempt development shall be exempt from the provisions of this chapter.

Development, Minor means an individual development, as well as multiple developments that individually or collectively does not meet the definition of "exempt development" as defined herein or the definition of "major development" as defined herein.

Development, Major means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 {or the effective date of this chapter, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

Disturbance means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation or the redevelopment of previously developed sites. Milling and repaving is not considered disturbance for the purposes of this definition.

Drainage area means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Environmentally constrained area means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

Environmentally critical area means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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Empowerment Neighborhoods means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Green infrastructure means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

HUC 14 or hydrologic unit code 14 means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

Highlands Designated Center means an area within a Highlands conforming municipality, within the Planning Area, for which the Highlands Council has approved a petition for Highlands Center Designation, in accordance with the Highlands Council center designation procedures as found at <https://www.nj.gov/njhighlands/planconformance/guidelines/centers.html> . A Highlands Designated Center is developed through a planning process that addresses development/redevelopment needs, while maintaining consistency with the Regional Master Plan with regard to resource protection standards.

Highlands Open Waters means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

Impervious surface means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

Infiltration is the process by which water seeps into the soil from precipitation.

Karst means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

Lead planning agency means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

Maximum extent practicable means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

Mitigation means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this chapter, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

Motor vehicle means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Motor vehicle surface means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

Municipality means any city, borough, town, township, or village.

Municipally Important Ground Water Recharge Area means preserved or constrained lands that cannot be developed or built upon under current regulations. These areas have recharge rates above the median recharge rate for the subwatershed in which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. Constrained lands are comprised of undeveloped lands within the Highlands Open Water buffer as well as moderately and severely constrained steep slopes. Preserved lands are those that are permanently preserved by local, county, state, federal or non-profit entities.

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

Node means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Non-Exempt Project means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

Nutrient means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

Pollutant means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

Recharge means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Regional Master Plan means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

Regulated impervious surface means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Regulated motor vehicle surface means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

Sediment means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

Site means the lot or lots upon which a development is to occur or has occurred.

Soil means all unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan Metropolitan Planning Area (PA1) means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

State Plan Policy Map is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

Stormwater means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

Stormwater management BMP means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater management measure means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Stormwater runoff means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater management planning agency means a public body authorized by legislation to prepare stormwater management plans.

Stormwater management planning area means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

Tidal Flood Hazard Area means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

Urban Coordinating Council Empowerment Neighborhood means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

Water control structure means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

Waters of the State means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§252-3. DESIGN AND PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT MEASURES

- A. Exempt Developments:** Any project meeting the definition of exempt development shall be exempt from the provisions of this section.
- B. Minor Developments:** Minor developments shall be designed to include the following stormwater management measures:
- (1) **Water Quality Measures:** Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
 - (2) **Runoff Quantity Control:** Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2-1/2") inch clean stone and a design void ratio of thirty-three (33%) percent shall be used. Infiltration devices shall be placed on a minimum 12-inch thick bed of clean stone. The 12-inch thick stone bed shall be excluded from the storage volume calculations. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new

impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices or other stormwater management control structures.

C. Major Developments: Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control and stormwater runoff quality treatment as follows:

- (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
- (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§252-4. STORMWATER MANAGEMENT REQUIREMENTS FOR MAJOR DEVELOPMENT

- A.** The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§252-10**.
- B.** Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C.** The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§252-4**, subsections P, Q and R:
 - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

- (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity requirements of **§252-4**. subsections O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of **§252-4**. subsections O, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of **§252-4**. subsections O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under **§252-4**. D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of **§252-4**. subsections O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§252-4**. subsections O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Register a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this chapter the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations (a) through (h) are found on at the end of Table 3

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- G.** An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with **§252-6. B.** Alternative stormwater management measures may be used to satisfy the requirements at Section 4.O only if the measures meet the definition of green infrastructure at Section 2. Alternative stormwater management measures that function in a similar manner to a BMP listed at **§252-4. O.2** are subject to the contributory drainage area limitation specified at **§252-4. O.2** for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at **§252-4. O.2** shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§252-4. D** is granted from **§252-4. O.**
- H.** Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I.** Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch

spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of **§252-8. C**;

- (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 8; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J.** Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at **§252-2** may be used only under the circumstances described at **§252-4. O.(4)**.
- K.** Any application for a new agricultural development that meets the definition of major development at **§252-2**, shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at **§252-4**, subsections O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L.** If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4**, subsections P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M.** Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Hunterdon County

Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4**, subsections O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to **§252-10**, B.(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 4 of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded in the Office of the Hunterdon County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards.

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at **§252-4**, P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at **§252-4**, F. and/or an alternative stormwater management measure approved in accordance with **§252-4**, G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at **§252-4. R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with **§252-4. G**.
- (4) If a waiver/exception in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§252-4. D** is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with **§252-4.G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§252-4. subsections P, Q and R**.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at **§252-4. subsections P, Q and R**, unless the project is granted a waiver from strict compliance in accordance with **§252-4.D**.

P. Groundwater Recharge Standards.

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at **§252-5**, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

Additional standards set forth below may apply as required.
- (c) Non-Exempt Projects located in a Current Deficit Area (see Exhibit A): Where the project is located in a Current Deficit Area, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in paragraph (4) below.
- (3) Non-Exempt Projects located in a Municipally Important Ground Water Recharge Area (see Exhibit B): Where the project is located in a Municipally Important Ground Water Recharge Area, the following standards shall apply:
 - (a) Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Municipally Important Ground Water Recharge Area on the site and shall preferentially be sited on that portion of Municipally Important Ground Water Recharge Area that has the lowest groundwater recharge rates.
 - (b) Where disturbance to the Municipally Important Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in paragraph (4) below.
- (4) Enhanced Recharge Standards: Non-Exempt Projects that are subject to the enhanced recharge requirements by **§252-4**, P.(2), or (3) above, shall apply the following standards, either:
 - (a) Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or

- (b) In addition to complying with the infiltration requirements of **§252-4. P(2)(b)**, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDV), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the infiltration requirement will not result in retention of the full SWQDV, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.
- (5) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to paragraph (6) below.
- (6) The following types of stormwater shall not be recharged:
- (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - (c) Carbonate Rock Areas, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (Note: the mere presence of carbonate bedrock does not constitute a karst feature).
- (7) Mitigation Required for Non-Exempt Projects: In lieu of onsite recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation within the following areas, in order of priority:

- (a) the same development site where feasible;
- (b) the same HUC14 subwatershed, or
- (c) an interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.

If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in paragraph (8) below:

- (8) Mitigation Required for Non-Exempt Projects: A waiver from strict compliance with the requirements of the Municipal Stormwater ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the municipal stormwater ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

Q. Stormwater Runoff Quality Standard.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty (80%) percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

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- (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

Deleted: ¶

- (5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§252-4**, subsections P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the postconstruction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) These stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs (2)(a), (b), and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§252-5. CALCULATION OF STORMWATER RUNOFF AND GROUNDWATER RECHARGE

A. Stormwater runoff shall be calculated in accordance with the following.

(1) The design engineer shall calculate runoff using one of the following methods:

- (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<https://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>

- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §252-5. A.(1)(b) and the Rational and Modified Rational Methods at

§252-5. A.(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§252-6. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

- (2) Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§252-7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under **§252-4. F** above, or alternative designs in accordance with **§252-4. G** above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see **§252-7. A.(2)** below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(2) The standard in **§252-7. A.(1)** above does not apply:

- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- [1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- [2] A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- (d) Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§252-8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in **§252-8. C.(1), C.(2), and C.(3)** for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to **§252-8. C**, a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the

permanent water surface. See §252-8. E for an illustration of safety ledges in a stormwater management BMP; and.

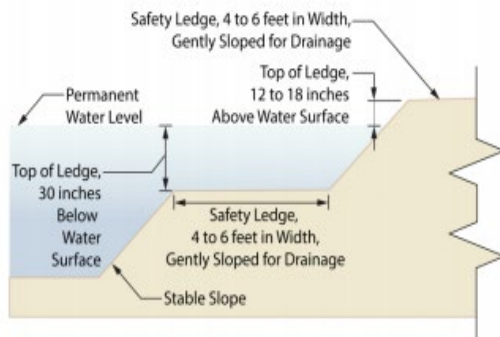
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three-horizontal to one-vertical (3:1).

D. Exemption from Safety Standard

An exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



NOTE:
Only For Basins with Permanent Pool of Water
Not to Scale

§252-9. Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at **§252-9. C** below as part of the submission of the application for approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
- (3) The applicant shall submit a PDF and 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with **§252-9. C** of this chapter.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

- (1) **Topographic Base Map:** The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
- (2) **Environmental Site Analysis:** A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

- (3) Project Description and Site Plans: A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (4) Land Use Planning and Source Control Plan: This plan shall provide a demonstration of how the goals and standards of **§252-3**. through **5**. are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater Management Facilities Map: The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations:
 - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in **§252-4**. of this chapter.
 - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

- (7) Maintenance and Repair Plan: The design and planning of the stormwater management facility shall meet the maintenance requirements of **§252-10**.
- (8) Waiver from Submission Requirements: The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§252-9**. C.(1) through C.(6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§252-10. Maintenance and Repair:

- A. Applicability: Projects subject to review as in **§252-1**. C of this chapter shall comply with the requirements of **§252-10**. B and C.
- B. General Maintenance
 - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
 - (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the

individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

- (5) If the party responsible for maintenance identified under **§252-10. B.(3)** above is not a public agency, the maintenance plan and any future revisions based on **§252-10. B.(7)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under **§252-10. B.(3)** above shall perform all of the following requirements:
 - (a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - (b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by **§252-10. B.(6)** and **B.(7)** above.
- (8) A two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53, shall be posted. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm
- (9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may

immediately proceed to do so and shall bill the cost thereof to the responsible person.
Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§252-11. Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to a fine of no less than \$100 nor more than \$1,000 for each day the violation exists.

§252-12. Application and Review Fees

- A. There shall be no additional fees for stormwater management review for applications that proceed through the Planning Board or the Board of Adjustment.
- B. Stormwater Management Review Applications to the Borough Engineer shall be accompanied by a review fee in the amount of \$300.00 for minor developments and \$1,500.00 for major developments. If a development project reviewed pursuant to this section is approved, an inspection escrow deposit shall be made in an amount determined by the Borough Engineer in accordance with the Borough of Lebanon Zoning Ordinance.

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.

LBCB
8-19-2020

Veto in Whole or Part:

Approved:

James P. Pittinger, Mayor

Date:

ATTEST

James P. Pittinger, Mayor

Date:

BOROUGH OF LEBANON

Vote after public hearing and upon final adoption:

Berger _____

Burton _____

Junge _____

Saharic _____

Harris _____

Baldinger _____

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

Karen Romano, Administrator/Clerk

Richard Burton, Council President

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

LBCC
8-19-2020

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on August 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 September 16, 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: Council President Burton, Councilman Berger Councilman Junge, Councilwoman Harris and Councilwoman Baldinger

NO:

Absent: Councilwoman Saharic

RESOLUTION 95-2020:

Council President Burton made a motion to approve Resolution 95-2020 with a second by Councilman Berger.

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

**APPROVAL OF THE 2019 AUDIT
RESOLUTION #95-2020**

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

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A-5-6, and a copy has been received by each member of the governing body; and

LBCC
8-19-2020

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

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

General Comments
Recommendations

and

WHEREAS, the members of the Lebanon Borough Common Council have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the Borough Governing Body; and

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

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

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the Township Committee to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Borough Governing Body of the Borough of Lebanon, County of Hunterdon and State of New Jersey hereby states that it has

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complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Introduced and adopted: August 19, 2020 LEBANON BOROUGH COUNCIL

Ayes: Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent: Saharic

Richard J Burton Council President
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/Clerk

CERTIFICATION

I, Karen M. Romano Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on August 19, 2020 at 7:30 pm 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: August 19, 2020

Karen M. Romano
Borough Administrator/Clerk

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 96-2020:

Council President Burton made a motion to approve Resolution 96-2020 with a second by Councilman Berger.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON**

STATE OF NEW JERSEY
RESOLUTION #96-2020

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON AUGUST 19, 2020, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS

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 desires to refund all or a portion of the Refunded Bonds, through the issuance of its General Improvement Refunding Bonds in an aggregate principal amount not to exceed \$2,500,000 (the "Refunding Bonds"); and

WHEREAS, the Borough has determined to provide for the refunding of the Refunded Bonds through the issuance by the Borough of its refunding bonds in an aggregate principal amount not to exceed \$2,500,000, as provided in a refunding bond ordinance entitled: "**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**", finally adopted by the Borough Council of the Borough on the date hereof (the "Ordinance"); and

WHEREAS, it is desirable and necessary to issue the Borough's General Improvement Refunding Bonds pursuant to the Ordinance, in the aggregate principal amount not to exceed \$2,500,000, a portion of the sale proceeds of which shall be used to

refund, the Refunded Bonds, and it is deemed advisable and in the best interests of the Borough to provide for the sale, form, maturity dates and other matters in connection with such authorization, sale, issuance and delivery of the refunding bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Authority for Resolution. Pursuant to the provisions of the Local Bond Law, the Borough Council of the Borough has heretofore adopted the Ordinance, which authorized the issuance of negotiable refunding bonds in the aggregate principal amount not to exceed \$2,500,000, and the Borough Council of the Borough hereby determines to issue, pursuant to the Ordinance, refunding bonds of the Borough in the original aggregate principal amount not to exceed \$2,500,000 consisting of one or more series of bonds as shall be in the best interest of the Borough as described below in Section 2.

Section 2. Authorization of Refunding Bonds. In accordance with the Local Bond Law, and for the purpose of providing funds to (i) achieve debt service savings by refunding, the principal amount of the Refunded Bonds, including the payment of the redemption premium thereon, as applicable, and the interest accrued and to accrue thereon to the date fixed for redemption, and (ii) pay the costs of issuance relating to the Refunding Bonds, including printing, advertising, underwriting, accounting, financial, legal services and rating agency fees, all as more fully set forth in the Ordinance, there shall be issued refunding bonds of the Borough, consisting of one or more series as shall be in the best interest of the Borough, in the aggregate principal amount not to exceed \$2,500,000 and same shall be designated "General Improvement Refunding Bonds, Series 2020" (or such other year designation as may be appropriate when the Refunding Bonds are issued) (the "Refunding Bonds").

Section 3. Details of Refunding Bonds. The Refunding Bonds shall be payable with respect to principal and interest in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, shall be issued in fully registered book-entry only form, without coupons, payable to a Securities Depository (as hereinafter defined) or registered assigns, and in the denomination of \$5,000 or any integral multiple thereof (except that any amount maturing in one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 or any integral multiple thereof, shall be in denominations of \$1,000 or any integral multiple thereof), and shall be issued substantially in the form as provided in this Resolution, with such omissions, insertions and variations as are properly required and in one or more series as shall be in the best interest of the Borough. The Refunding Bonds shall be dated, and shall bear interest from their date of issuance, as shall be determined by the Chief Financial Officer in consultation with

Wilentz, Goldman & Spitzer, P.A., Bond Counsel ("Bond Counsel"), and Phoenix Advisors, LLC, Financial Advisor (the "Financial Advisor"), and such date shall be the Issue Date with respect to the Refunding Bonds. The Refunding Bonds shall be numbered consecutively from "R-1" upwards.

The Refunding Bonds shall mature in each of the years and shall bear interest at the respective rates of interest per annum from their date of delivery until such Refunding Bonds shall be paid or discharged as shall be set forth in the Bond Purchase Agreement to be dated the date of the sale and award of the Refunding Bonds by and between the Borough and the hereinafter defined Underwriter (the "Bond Purchase Agreement").

Interest on the Refunding Bonds shall be payable as shall be determined by the Chief Financial Officer in consultation with Bond Counsel and the Financial Advisor to the Borough (each an "Interest Payment Date") in each year until maturity, by wire transfer of the Borough or a duly appointed Paying Agent (the "Paying Agent") to the registered owners thereof whose names appear on the registration books of the Borough maintained by the Borough or a duly appointed Paying Agent fifteen (15) days preceding each Interest Payment Date (the "Record Date"), at their respective addresses as shown in the registration books of the Borough or other duly appointed Paying Agent.

Section 4. Redemption. The Refunding Bonds shall be subject to redemption prior to their stated dates of maturity as set forth therein.

Section 5. Payment of Refunding Bonds. The principal of the Refunding Bonds, when due, shall be payable upon presentation and surrender thereof at the Borough's Municipal Building, 6 High Street, Lebanon, New Jersey or the principal corporate trust office of any duly appointed Paying Agent.

Section 6. Execution of Refunding Bonds. The Refunding Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Borough and the seal of the Borough shall be affixed, imprinted or reproduced thereon and attested by the manual signature of the Clerk of the Borough. If any officer whose signature appears on the Refunding Bonds ceases to hold office before the delivery of the Refunding Bonds, his or her signature shall nevertheless be valid and sufficient for all purposes. In addition, any Refunding Bond may bear the signature of, or may be signed by, such persons as at the actual time of the signing of such Refunding Bond shall be the proper officers to sign such Refunding Bond although at the date of such Refunding Bond such persons may not have been officers.

Section 7. Registration of Refunding Bonds. The Borough or any Paying Agent shall also maintain and keep books for the registration and transfer of the

Refunding Bonds. The Paying Agent shall also act as agent for the Borough for the transfer or exchange of any of the Refunding Bonds.

Section 8. Form of Refunding Bonds. Subject to the provisions of this Resolution, the Refunding Bonds shall be in substantially the form as set forth in Exhibit A attached hereto, with such omissions, insertions, endorsements and variations as may be required by the circumstances and be required or permitted by this Resolution or the Ordinance or as may be consistent with this Resolution and the Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto or as may necessary for the Borough to market the Refunding Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel to the Borough.

Section 9. Book-Entry System. (a) The Refunding Bonds may be initially issued in either registered or book-entry form in the form of one certificate for the aggregate principal amount of each series of Refunding Bonds maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed as securities depository ("Securities Depository") for the Refunding Bonds.

Section 10. Application of Proceeds of Refunding Bonds. (a) From the proceeds of the sale of the Refunding Bonds, the following amounts shall simultaneously with the issuance of such Refunding Bonds (or as soon as practicable thereafter) be paid by the Borough as follows:

(1) To the payees designated by the Mayor and/or Chief Financial Officer of the Borough, amounts representing the costs of issuance for the Refunding Bonds;

(2) To the Borough, an amount representing accrued interest on the Refunding Bonds from the Issue Date to the date of delivery thereof and payment therefor, such amount to be used for the payment of interest on the Refunding Bonds as the same shall become due and payable on the first Interest Payment Date; and

(3) To the Escrow Agent, if any (appointed pursuant to Section 10(c) hereof), an amount to be held in trust by the Escrow Agent to accomplish the redemption and/or payment at maturity of all or a portion of the Refunded Bonds.

(b) The Chief Financial Officer of the Borough is hereby authorized and directed, in consultation with Bond Counsel and the Financial Advisor, to negotiate and approve an Escrow Deposit Agreement by and between the Borough and the Escrow Agent (the "Escrow Deposit Agreement") to be selected by the Chief Financial Officer, in

consultation with Bond Counsel and the Financial Advisor, providing for the portion of the proceeds of the sale of the Refunding Bonds described in Section 10(a)(3) hereof (the "Refunding Proceeds") to be deposited in an escrow fund to be held by the Escrow Agent in trust to, among other things, (i) pay at maturity and advance refund, all or a portion of the Refunded Bonds, (ii) pay interest on all or a portion of the Refunded Bonds until the applicable date fixed for redemption, (iii) pay the applicable redemption premium on the principal amount of certain Refunded Bonds on the date fixed for redemption. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the Borough. Any moneys in such fund may be invested as provided in the Local Bond Law and other applicable law and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Borough.

(c) The Chief Financial Officer is hereby authorized and directed, in consultation with Bond Counsel and the Financial Advisor to negotiate and appoint an escrow agent to accomplish the Refunding (the "Escrow Agent") to the extent such escrow agent is required or desirable to accomplish the Refunding. The portion of the proceeds of the sale of the Refunding Bonds described in Section 10(a)(3) hereof (the "Refunding Proceeds") shall be deposited in a separate fund to be held by the Borough or the Escrow Agent, as applicable, in trust to accomplish the Refunding. Any moneys in such fund may be invested as provided in N.J.S.A. 40A:2-60, and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Borough.

(d) Pending disbursement for the purposes thereof, the portion of the proceeds of the sale of the Refunding Bonds not constituting Refunding Proceeds may be invested to the extent permitted by law.

Section 11. Verification Agent. The Chief Financial Officer is hereby authorized and directed to select a verification agent (the "Verification Agent"), if required, in consultation with Bond Counsel and the Financial Advisor with respect to the Refunded Bonds. The Verification Agent shall prepare the verification report required to verify the sufficiency of the escrowed monies to refund the Refunded Bonds.

Section 12. Award of Refunding Bonds. Robert W. Baird & Co. Inc., Blue Bell, Pennsylvania is hereby appointed Underwriter (the "Underwriter") for the Refunding Bonds. The Mayor and the Chief Financial Officer of the Borough are each hereby authorized and directed, in consultation with Bond Counsel and the Financial Advisor, to negotiate and approve the terms of the Bond Purchase Agreement with the Underwriter for the purchase of the Refunding Bonds, including the compensation to the Underwriter for the marketing and purchase of the Bonds. The Refunding Bonds are hereby authorized to be sold to the Underwriter in accordance with the terms of the Bond Purchase Agreement, such terms being approved by such officials and representatives of the Borough. The Mayor and/or Chief Financial Officer of the Borough are hereby

authorized and directed to execute and deliver the Bond Purchase Agreement on behalf of the Borough and the Clerk of the Borough is authorized to attest such signature.

Section 13. Official Statement. Bond Counsel and the Financial Advisor are hereby authorized and directed to prepare the Preliminary Official Statement (the "Preliminary Official Statement") to be used in connection with the marketing of the Refunding Bonds. The distribution by the Underwriter of a Preliminary Official Statement on behalf of the Borough to be used in connection with the marketing of such Refunding Bonds by the Underwriter is hereby approved. The Mayor and Chief Financial Officer of the Borough are hereby authorized and directed to execute and deliver a certificate to the Underwriter that "deems final" the Preliminary Official Statement in accordance with the Rule (as herein defined).

Upon the sale of the Refunding Bonds to the Underwriter, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Financial Advisor, to reflect the effect of the Bond Purchase Agreement and any other revisions not inconsistent with the substance thereof deemed necessary or advisable by Bond Counsel and the Financial Advisor; and said Preliminary Official Statement deemed "final" by the Borough in accordance with the Rule (as hereinafter defined) as so modified shall constitute the final Official Statement (the "Official Statement"). The Mayor and Chief Financial Officer of the Borough are each hereby authorized and directed on behalf of the Borough to execute and deliver said Official Statement.

Section 14. Prior Action. All actions taken to date by the officers, employees, professionals and agents of the Borough with respect to the authorization, sale and issuance of the Refunding Bonds, including, but not limited to, submissions and applications to rating agencies and the execution and delivery of subscription forms for the purchase of United States Time Deposit Securities – State and Local Government Series, be and the same hereby are approved, ratified, adopted and confirmed, *nunc pro tunc*, and the Mayor and/or Chief Financial Officer are hereby authorized and directed to execute and deliver any such agreements, documents or submissions, and the Borough Clerk is hereby authorized and directed to attest to the signatures of the Mayor and the Chief Financial Officer and to affix the seal of the Borough on such agreements, documents or submissions.

Section 15. Delivery of Refunding Bonds. The Refunding Bonds, in registered form, shall, as soon as practicable, be prepared, executed and delivered in definitive form to the Underwriter at the expense of the Borough, upon payment in full of the purchase price for the Refunding Bonds.

Section 16. Actions to be Taken on Behalf of the Borough. The various officers of the Borough are hereby authorized and directed to do all matters necessary, useful, convenient or desirable to accomplish the delivery of the Refunding

Bonds to the Underwriter as promptly as possible, in accordance with the provisions hereof, the execution of one or more subscriptions for the purchase of United States Government Obligations or the purchase of United States Treasury Obligations, State and Local Government Series, if applicable, and the execution of closing documentation including an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Refunding Bonds is excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

The Mayor or Chief Financial Officer of the Borough are each hereby authorized to enter into (i) an agreement with DTC setting forth the respective obligations of DTC, the Borough and the Paying Agent (if any) with respect to the payment and transfer of the Refunding Bonds; (ii) an agreement with the Escrow Agent in substantially the form with such changes as may be approved by the foregoing officers of the Borough with respect to the matters described in Section 10 hereof, if any, and (iii) an agreement with a verification agent to verify the sufficiency of the escrow created by the Escrow Deposit Agreement to refund the outstanding Refunded Bonds. The Borough agrees to comply with all obligations set forth in each such agreement.

The Underwriter, Bond Counsel and the Financial Advisor are each hereby authorized to prepare and arrange for the printing or reproduction of the Preliminary Official Statement, the final Official Statement and the Refunding Bonds, and any such actions heretofore taken by such Underwriter, Bond Counsel and the Financial Advisor are hereby ratified and confirmed.

Section 17. Tax Covenant. The Borough hereby covenants with the holders from time to time of the Refunding Bonds that it will make no investment or other use of the proceeds of the Refunding Bonds or take any other action (or refrain from taking such action) which would cause the Refunding Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on the Refunding Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Refunding Bonds.

The Chief Financial Officer of the Borough is further hereby authorized and directed to establish an Investment Rebate Account (the "Rebate Account") and provide for the deposit therein, for delivery to the United States Treasury of "excess investment earnings," as may from time to time be required by Section 148 of the Code, all as may be set forth in a letter or letters of instruction to the Borough submitted by Bond Counsel in connection with the Refunding Bonds.

There is hereby delegated to the Chief Financial Officer the ability to designate the Refunding Bonds as "qualified tax-exempt obligations" for purposes of section 265(b)(3)(B)(ii) of the Code.

Section 18. Authorizations. All other details or requirements of the Local Bond Law shall be determined and approved by the Chief Financial Officer of the Borough, upon consultation with Bond Counsel and the Financial Advisor, such approval to be conclusively evidenced by his or her execution of the Refunding Bonds as provided herein.

Section 19. Pledge of Borough. The full faith and credit of the Borough are hereby pledged for the payment of the principal of and interest on the Refunding Bonds. The Refunding Bonds shall be direct obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the principal of and interest on the Refunding Bonds without limitation as to rate or amount.

Section 20. Ratings and Insurance. The Chief Financial Officer of the Borough is hereby authorized and directed, upon consultation with Bond Counsel, the Underwriter and the Financial Advisor, to submit information and financial data to ratings agencies and municipal bond insurance companies so long as the purchase of municipal bond insurance for the Refunding Bonds is cost effective in the marketing of the Refunding Bonds to reduce the interest costs to the Borough and, if so, then to execute and deliver a commitment for municipal bond insurance (the "Commitment") with a bond insurer to insure the payment of principal of and interest on the Refunding Bonds; and is further authorized and directed to carry out the terms and conditions contained in the Commitment and to execute and deliver all documents, agreements and conditions in connection with the issuance of the Refunding Bonds and the Commitment.

Section 21. Continuing Disclosure. The Borough hereby covenants and agrees to comply with the secondary market disclosure requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended, and agrees to covenant to such compliance in a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate"). In connection therewith, the Mayor and the Chief Financial Officer of the Borough, in consultation with Bond Counsel and the Financial Advisor, are each hereby authorized and directed to enter into and execute the Continuing Disclosure Certificate, evidencing the contractual undertaking of the Borough to comply with the requirements of the Rule and to deliver the Continuing Disclosure Agreement to the Underwriter in connection with the offer and sale of the Refunding Bonds. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder. The Mayor of the Borough, the

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Chief Financial Officer of the Borough, the Clerk of the Borough or any other Borough official are each hereby authorized and directed to execute and deliver all certificates, documents and agreements in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 22. Effective Date. This Resolution shall take effect immediately upon the effective date of the Ordinance.

The foregoing resolution was adopted by the following vote on August 19, 2020:

AYES: Burton, Berger, Junge, Harris, Baldinger

NAYS:

ABSTENTIONS:

ABSENTEES: Saharic

EXHIBIT A

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
BOROUGH OF LEBANON
COUNTY OF HUNTERDON**

**GENERAL IMPROVEMENT REFUNDING BOND
SERIES 2020**

NUMBER R-

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
_____, 2020	_____	_____%	_____

REGISTERED OWNER: _____.

PRINCIPAL SUM: _____ Dollars
(\$ _____)

The BOROUGH OF LEBANON in the County of Hunterdon, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to _____, on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond until it matures at the Rate of Interest Per Annum specified above on _____ and semiannually thereafter on the first day of February and August (each an "Interest Payment Date") in each year until maturity or prior redemption. Principal of and interest on this Bond will be paid to the _____ by the Borough or a duly designated paying agent (the "Paying Agent")

[The Bonds of this issue [maturing prior to _____] are [not] subject to redemption prior to their stated maturities.] The Bonds of this issue maturing on or after _____ are redeemable at the option of the Borough in whole or in part on any date on or after _____ upon notice as required herein at one hundred percent (100%) of the principal amount being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.]

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law of the State of New Jersey (N.J.S.A. 40A:2-1 et seq.), a refunding bond ordinance finally adopted by the Borough Council on August 19, 2020 and approved and published as required by law, entitled: "REFUNDING BOND ORDINANCE

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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”, and a resolution adopted by the Borough Council on August 19, 2020 and entitled: “RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON AUGUST 19, 2020, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS” (collectively, the “Bond Authorization Proceedings”).

Unless paid from other sources, the full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

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IN WITNESS WHEREOF, the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of the Clerk of the Borough, and this Bond to be dated the Date of Original Issue as specified above.

ATTEST:

BOROUGH OF LEBANON

By: _____
_____,
Borough Clerk

By: _____
_____,
Mayor

(SEAL)

By: _____
_____,
Chief Financial Officer

LBCC
8-19-2020

CERTIFICATE

I, **KAREN M. ROMANO**, Borough Clerk of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the annexed resolution entitled, "**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH ON AUGUST 19, 2020, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS**", is a copy of a resolution which was duly adopted by the Borough Council at a meeting of the Borough Council duly called and held on August 19, 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 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 the Borough as of this 19_ day of _August, 2020.

KAREN M. ROMANO,
Borough Clerk

(SEAL)

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8-19-2020

Introduced and adopted: August 19, 2020 LEBANON BOROUGH COUNCIL

Ayes: Burton, Berger, Junge, Harris, Baldinger

Nays: 0
Absent: Saharic

Richard J Burton Council President
Borough Council President

ATTEST:

Karen M. Romano
Borough Administrator/Clerk

CERTIFICATION

I, Karen M. Romano Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on August 19, 2020 at 7:30 pm 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: August 19, 2020

Karen M. Romano
Borough Administrator/Clerk

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 97-2020:

Council President Burton made a motion to approve Resolution 97-2020 with a second by Councilman Berger.

BOROUGH OF LEBANON

LBCC
8-19-2020

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION #97-2020

**LIQUOR LICENSE
COURTYARD MANAGEMENT CORPORATION**

WHEREAS, an application for Plenary Retail Consumption License has been made by Courtyard Management Corporation, Trade name being COURTYARD BY MARRIOTT, located at 300 Corporate Drive, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached.

BE IT RESOLVED that Plenary Retail Consumption License No. 1018-36-003-001 be issued to Courtyard Management Corporation Lebanon, New Jersey for a fee of \$2,500.00 and to become effective 12:00 a.m. September 1, 2020 and to expire midnight, June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the above-named application and authorize the Borough Clerk to sign said application and file it with the NJ Division of Alcoholic Beverage Control.

Introduced and adopted: August 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 August 19, 2020 force and effect as of the date I have subscribed my signature.

Date: August 19, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

LBCC
8-19-2020

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

NO:

Absent: Councilwoman Saharic

RESOLUTION 98-2020:

Council President Burton made a motion to approve Resolution 98-2020 with a second by Councilman Junge.

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

**RESOLUTION #98-2020
LIQUOR LICENSE
69 MAIN STREET LLC**

WHEREAS, an application for Plenary Retail Consumption License has been made by 69 Main Street LLC, Trade name being FOX AND HOUND TAVERN AT THE LEBANON HOTEL, located at 69 Main Street, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached;

BE IT RESOLVED that Plenary Retail Consumption License No. 1018-33-001-009 be issued to The Fox and Hound 69 Main Street LLC at 69 Main Street Lebanon, New Jersey for a fee of \$2,500.00 and to become effective 12:00 a.m. September 1, 2020 and to expire midnight, June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the above-named application and authorize the Borough Clerk to sign said application and file it with the NJ Division of Alcoholic Beverage Control.

Introduced and adopted: August 19, 2020:

Ayes: Burton, Berger, Junge, Harris, Baldinger

Nays: 0

Absent: Saharic

Richard J. Burton, Council President

ATTEST: _____

LBCC
8-19-2020

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

Date: August 19, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

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 99-2020:

Council President Burton made a motion to approve Resolution 99-2020 with a second by Councilman Berger.

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

**RESOLUTION #99-2020
LIQUOR LICENSE
ROCK U LLC**

WHEREAS, an application for Plenary Retail Distribution License has been made by Rock U LLC, Trade name being BOURBON STREET LIQUORS, located at 1243 Hwy 22 E, Lebanon NJ.; and

WHEREAS, the submitted form is complete and the appropriate checks are attached;

BE IT RESOLVED that Plenary Retail Consumption License No. 1018-44-002-004 be issued to Rock U LLC, Bourbon Street Liquors Lebanon, New Jersey for a fee of \$2,500.00 and to become effective 12:00 a.m. September 1, 2020 and to expire midnight, June 30, 2021.

NOW, THEREFORE BE IT RESOLVED by the Lebanon Borough Common Council to approve the above-named application and authorize the Borough Clerk to sign said application and file it with the NJ Division of Alcoholic Beverage Control.

Introduced and adopted: August 19, 2020:

LBCC
8-19-2020

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

Date: August 19, 2020

Karen M. Romano, RMC
Borough Administrator/Clerk

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 100-2020:

Council woman Harris made a motion to approve Resolution 100-2020 with a second by Councilman Berger.

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

RESOLUTION #100-2020

SALARIES YEAR 2020

BE IT RESOLVED, by the Lebanon Borough Common Council the following is a schedule of salaries and wages for the various positions in the Borough of Lebanon for the year 2020.

Borough Administrator

\$1,589.50 per month

LBCC
8-19-2020

Borough Clerk/PB Sec/BOH Sec/Assess Search Officer, HR, Treasurer	\$89,830.00
Deputy Clerk/Recreation/Environmental Secretary, Asst. Treasurer	\$51,639.50
Senior Club, Shade Tree Committee and Historical Committee Secretary	
Tax Collector	\$15,224.00
QPA	\$2,870.00
Tax Assessor	\$16,363.00
Dog/Cat Licensing Agent	\$829.50
Registrar of Vital Statistics	\$983.75
Deputy Registrar of Vital Statistics	\$983.75
Zoning Officer	\$14,446.35.00
Adult School Crossing Guard Supervisor	\$26.00/hr.
Adult School Crossing Guards	\$22.75/hr.
Special & Part Time Patrol Officers	\$ 38.00 to 175.00/hr.
Summer Park Program Director - Contract	\$4,500.00
Recycling Coordinator	\$ 3,858.50
Summer Park Counselors	\$ 10.00 to 15.00/hr.
Handyman Services	\$ 11.00 to 25.00/hr.
Clerical Temporary Staff	\$ 10.00 to 20.00/hr.
General Labor	\$ 12.00 to 25.00/hr
Custodial/Cleaning Service - Contract	Full Service: \$150.00 Partial Service: \$75.00
Mileage	Rate as determined by IRS per mile standard

Introduced and adopted: August 19, 2020 LEBANON BOROUGH COUNCIL

Ayes: Burton, Berger, Junge, Harris, Baldinger

Absent:

Abstain : Saharic

Richard Burton, Council President

CERTIFICATION

LBCC
8-19-2020

I, Karen Romano, Lebanon Borough Clerk, hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 19th day of August 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.

Dated: August 19, 2020

Karen M. Romano, RMC
Borough Administrator / Clerk

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 101-2020:

Councilwoman Harris made a motion to approve Resolution 101-2020 with a second by Councilman Berger.

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

RESOLUTION #101-2020

OUTSIDE PLANNING CONSULTANT

WHEREAS, the Lebanon Borough Land Use Board adopted Resolution 2020-06 to engage an outside planning expert to prepare a Redevelopment/Rehabilitation Study to determine whether the previous study area identified and said Resolution qualifies as an area in need of redevelopment and/or rehabilitation under the Local Redevelopment and Housing Law as a non-condemnation redevelopment area and/or rehabilitation area; and

WHEREAS, the Land Use Board has elected to engage Stanley Slachetka PP AICP to prepare the necessary study and evaluation in conjunction with the Land Use Board; and

WHEREAS, the Borough Council has received the determination by the Lebanon Borough Land Use Board that Stanley Slachetka PP AICP has the requisite experience with such specialized services required by the Board; and

LBCC
8-19-2020

WHEREAS, the Borough Council has elected to enter into a professional services agreement pursuant N.J.S.A. 40A:11-1 et seq. and shall enter into such contract on a non-affair and open contract basis pursuant to the provisions of N.J.S.A. 19:44A-20.5.

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

1. Stanley Slachetka PP AICP is hereby retained as an outside planning consultant to the Borough of Lebanon Planning Board.
2. The Council President, Mayor and Clerk are hereby authorized to execute a professional services contract with Stanley Slachetka PP AICP on the condition that the Planner shall complete a Business Entity Disclosure Certification.
3. This resolution authorizes a contract to be awarded without competitive bidding with such contract to be prepared and finally approved by the Borough Attorney.
4. A notice of this action shall be published in the legal newspaper of the Borough.

Introduced and adopted:

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

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 Common Council at a meeting duly held on the 19th day of August 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: August 19, 2020

Karen M. Romano, RMC, CMR

LBCC
8-19-2020

Lebanon Borough Administrator/ Clerk

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 102-2020:

Council President Burton made a motion to approve Resolution 102-2020 with a second by Councilman Junge.

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

**RESOLUTION #102-2020
Seasonal Employees**

BE IT RESOLVED, by the Lebanon Borough Common Council that the following are appointed as /seasonal employees:

Liam Cohen

BE IT FURTHER RESOLVED by the Lebanon Borough Council that the salary range for the seasonal employees having been established and set forth in Ordinance #2017-04, the following salary is hereby granted to the employee for the year 2020:

Liam Cohen \$12.00

Introduced and adopted: August 19, 2020

Ayes: Burton, Berger, Junge, Harris, Baldinger

LEBANON BOROUGH COUNCIL

Nays: 0

Absent:

Abstain: Saharic

By: Richard J. Burton, Council President

CERTIFICATION

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

Dated: August 19, 2020

Karen M. Romano, RMC
Borough Administrator/ Clerk

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

APPROVAL OF EXPENDITURES:

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

Lebanon Borough				
List of Bills - (All Funds)				
Meeting Date: 08/19/2020 For bills from 07/16/2020 to 08/17/2020				
Vendor	Description	Current Fund	Payment	Check Total
105 - ALL SEASONS FLOWERS & GIFTS	PO 10634	Gourmet Basket: Randle Mondoro (Husband	50.00	50.00
746 - BETHELEHEM TOWNSHIP	PO 10612	Shared Service CFO - August 2020	2,249.08	2,249.08
766 - BRC CERTIFIED PUBLIC ACCOUNTANTS	PO 10626	Preparation of 2019 Annual Debt Statemen	13,600.00	13,600.00
26 - BOROUGH OF LEBANON - PETTY CASH	PO 10650	Petty Cash Reimbursement	172.25	172.25
776 - Borough of Lebanon-Senior Citizen A	PO 10662	Reimburse for Polar Cub gift cards	100.00	100.00
247 - COMCAST	PO 10664	Internet / Phone Service: 96 Main Street	707.02	707.02
652 - CONSTELLATION NEWENERGY INC	PO 10617	Electricity: 6/12/2020 - 7/13/2020	731.22	731.22
13 - COUNTY OF HUNTERDON - COUNTY TAX	PO 10607	County Tax 3rd Qtr. 2020	163,286.11	163,286.11
14 - COUNTY OF HUNTERDON - LIBRARY TAX	PO 10608	County Library Tax 3rd Qtr. 2020	15,507.82	15,507.82
15 - COUNTY OF HUNTERDON- OPEN SPACE TAX	PO 10606	County Open Space Tax 3rd Qtr. 2020	14,736.74	14,736.74
39 - ELIZABETHTOWN GAS	PO 10619	Natural Gas 6/17/2020 - 7/20/2020	139.41	139.41
46 - FERRIERO ENGINEERING	PO 10637	Streets & Roads	1,353.76	
	PO 10638	Engineering Services	1,094.64	
	PO 10657	2020 Local Aid Application	37.03	
	PO 10659	Engineering Services	106.88	
	PO 10660	Colesbury Road	16.91	2,609.22
99 - GRANCO INC	PO 10647	Maintenance Contract Digital Recording S	495.00	495.00
769 - Great America Financial Services	PO 10616	Phone System Lease August 2020	101.19	101.19
842 - Green Revolution Electric	PO 10576	96 Main Street	4,800.00	4,800.00
670 - HARRY HIRSCHLITER	PO 10665	Professional Services: Tax Appeals June	270.00	270.00
83 - HORIZON BLUE CROSS BLUE SHIELD NJ	PO 10625	Employee Dental 8/01/2020 - 9/01/2020	201.31	201.31
215 - HUNTERDON COUNTY CLERKS OFFICE	PO 10604	July 7, 2020 Primary Election	692.50	692.50
16 - JCP&L	PO 10609	Electricity	379.96	
	PO 10615	Electricity	993.25	
	PO 10620	Electricity	674.31	
	PO 10668	Electricity	267.67	2,315.19
597 - JERSEY ELEVATOR COMPANY INC.	PO 10641	Monthly Maintenance August 2020	146.79	146.79
167 - KAREN ROMANO	PO 10613	Cell Phone Reimbursement - August 2020	100.00	
	PO 10618	Reimbursement: Paper Towels	16.99	116.99
59 - LEBANON BOROUGH BOARD OF EDUCATION	PO 10605	Local School Tax August 2020	288,552.10	288,552.10
119 - LEBANON FIRE COMPANY	PO 10610	2020 Annual Contribution - Partial Payme	6,942.80	6,942.80
715 - Maser Consulting P.A.	PO 10622	General Planning Services	178.75	
	PO 10623	Affordable Housing	500.50	679.25
2 - MGL FORMS-SYSTEMS, LLC	PO 10643	Minute Book Binders	321.00	321.00

LBCC
8-19-2020

54 - NJ ADVANCE MEDIA	PO 10627 Legal Advertising Ordinances	250.92		
	PO 10646 Legal Advertising Ordinance 2020-05	26.48		277.40
31 - NOVAK & NOVAK LLC	PO 10611 Legal Services Retainer August 2020	4,083.33		4,083.33
233 - PITNEY BOWES	PO 10640 Postage Machine Rental: 8/16/2020 - 11/1	75.00		75.00
37 - PITNEY BOWES - RESERVE ACCOUNT	PO 10649 Postage for meter	800.00		800.00
20 - QUILL CORPORATION	PO 10595 Office Supplies	82.19		
	PO 10614 Lysol Disinfectant Spray	8.99		
	PO 10628 Office Supplies	182.77		
	PO 10630 Garbage Bags	85.96		
	PO 10633 Office Supplies / Cleaning	26.98		
	PO 10663 Reinforcements	4.29		391.18
830 - Republic Services	PO 10632 Monthly Garbage Disposal: 7/1/2020 - 7/3	6,765.00		6,765.00
369 - STICKEL KOENIG & SULLIVAN & DRILL L	PO 10666 Planning Board: Prepare / Revise Resolut	437.50		
	PO 10667 Planning Board Services July 2020 (Affor	1,128.75		1,566.25
765 - Tele Cloud, LLC	PO 10639 Monthly Phone Services: 8/1/2020 thru 8/3	251.17		251.17
808 - Thermal Service of New Jersey Inc.	PO 10631 Service Call: Chage settings on boiler	345.00		
	PO 10653 Monthly Billing of PM Service Contract	330.00		675.00
43 - TOWN OF CLINTON	PO 10652 Water Bill 5/1/2020 - 7/31/2020	173.30		173.30
560 - TREASURER-STATE OF NJ	PO 10645 Marriage License: April / May / June 202	25.00		25.00
718 - VIKING PEST CONTROL	PO 10642 Pest Control August 2020: 4 High Street	117.12		117.12
27 - WASTE MANAGEMENT OF NJ INC	PO 10651 Municipal Waste 7/1/2020 - 7/31/2020	2,643.80		2,643.80
	FEDERAL AND STATE GRANTS			
46 - FERRIERO ENGINEERING	PO 10635 Highlands:	213.75		
	PO 10655 Highlands: Update Groundwater Recharge A	534.39		748.14
715 - Maser Consulting P.A.	PO 10621 Highlands Stormwater Mgmt Program	1,199.40		
	PO 10648 Zoning Recommendations	660.00		1,859.40
	GENERAL CAPITAL FUND			
46 - FERRIERO ENGINEERING	PO 10636 Cokesbury Road	552.52		552.52
	ANIMAL CONTROL FUND			
321 - NJ DEPT OF HEALTH & SENIOR SVCS	PO 10644 Animal License Fee July 2020	3.60		3.60
	DEVELOPERS ESCROW			
46 - FERRIERO ENGINEERING	PO 10656 5 Alpaugh Lane	142.50		427.50
	PO 10658 Road Opening Permits	285.00		
	TOTAL			540,957.70
	Total to be paid from Fund 01 Current Fund	537,366.54		
	Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	2,607.54		
	Total to be paid from Fund 04 GENERAL CAPITAL FUND	552.52		
	Total to be paid from Fund 12 ANIMAL CONTROL FUND	3.60		
	Total to be paid from Fund 14 DEVELOPERS ESCROW	427.50		
	-----	540,957.70		
Checks Previously Disbursed				
20201508	LEBANON BOROUGH PAYROLL	PAYROLL 8/15/2020	11,476.57	8/14/2020
81720	BOROUGH OF LEBANON-EMAIL SERVICE	PO# 10624 E-Mail Service August 2020	227.50	8/17/2020
81020	NJ STATE HEALTH BENEFITS PLAN	PO# 10654 Employee Health Benefits July 2020	4,223.48	8/10/2020
80320	DEPOSITORY TRUST CO	PO# 10629 Payment of Bond Interest	47,537.25	8/07/2020
20203107	LEBANON BOROUGH PAYROLL	PAYROLL 7/31/2020	9,743.54	7/28/2020
			73,208.34	
	Totals by fund	Previous Checks/Voids	Current Payments	Total
	Fund 01 Current Fund	73,208.34	537,366.54	610,574.88
	Fund 02 FEDERAL AND STATE GRANTS		2,607.54	2,607.54
	Fund 04 GENERAL CAPITAL FUND		552.52	552.52
	Fund 12 ANIMAL CONTROL FUND		3.60	3.60
	Fund 14 DEVELOPERS ESCROW		427.50	427.50
	BILLS LIST TOTALS	73,208.34	540,957.70	614,166.04

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

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.

Maddie Nolan of the Grist Mill commons inquired about the status of Superior towing. The Mayor stated Superior Towing purchased the property but has yet to apply to the planning board.

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.

LBCC
8-19-2020

DISCUSSION:

MISCELLANEOUS:

COUNCIL COMMITTEES:

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

Lebanon Borough School: Councilwoman Baldinger stated 70 % of the students will attend 5 half days of in person learning while 30% will remain home and learn virtually. School will be open from 8:30 am to 12:45 pm. The student will go home at 12:45 pm for lunch and the day will continue virtually for all students.

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.

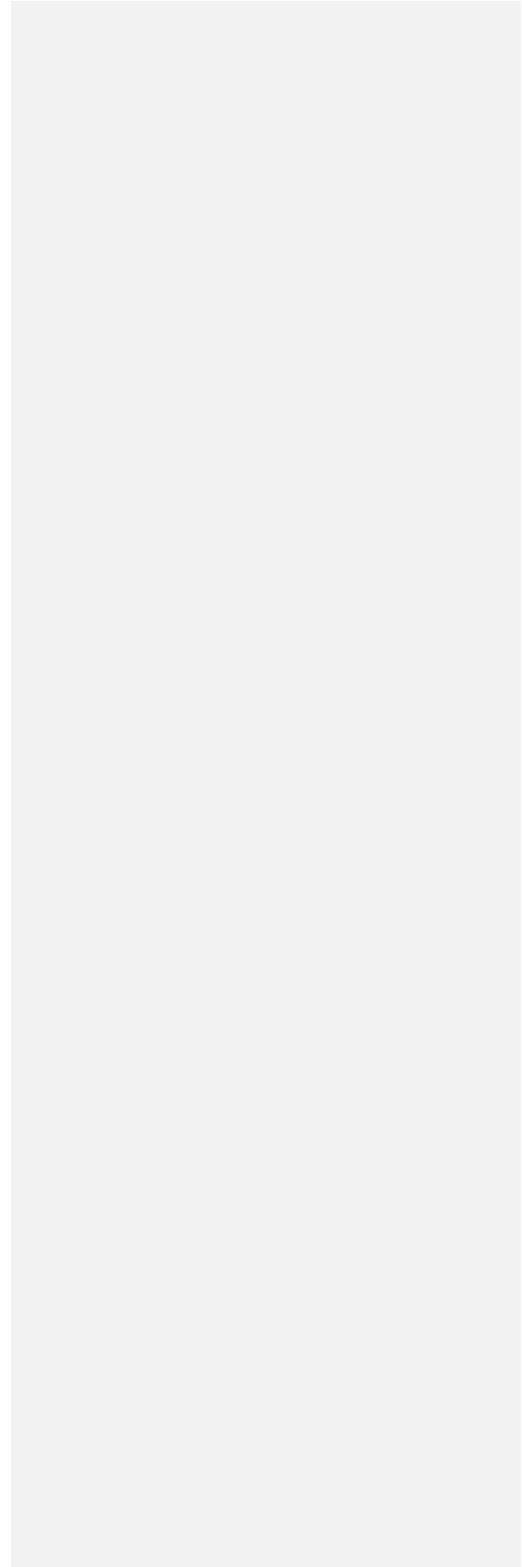
Respectfully Submitted

Karen M. Romano, RMC
Borough Administrator/Clerk

LBC
8-19-2020
13

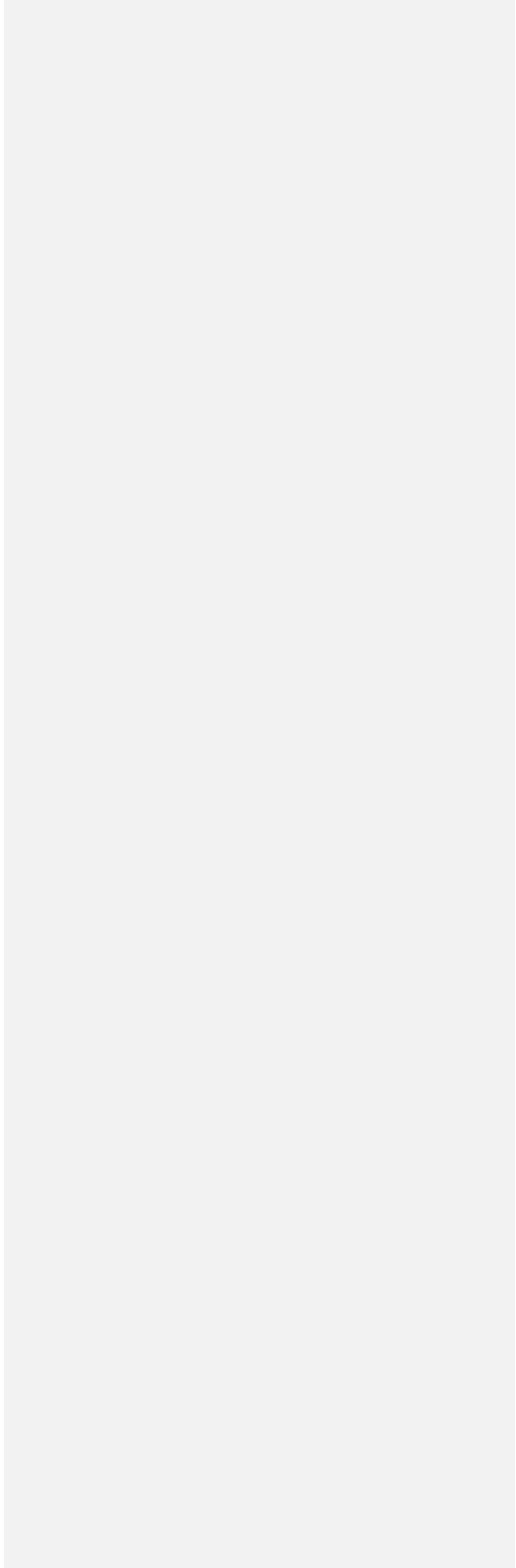
LBC
8-19-2020
13

LBCC
7-15-2020
28

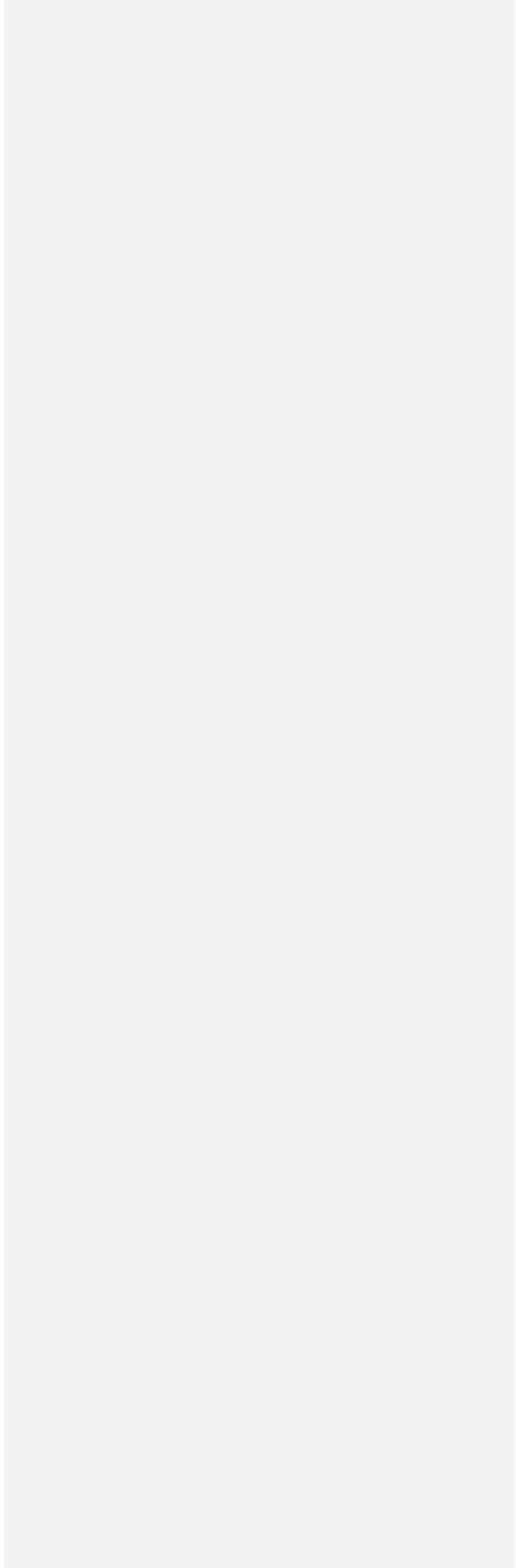


LBCC
7-15-2020
107

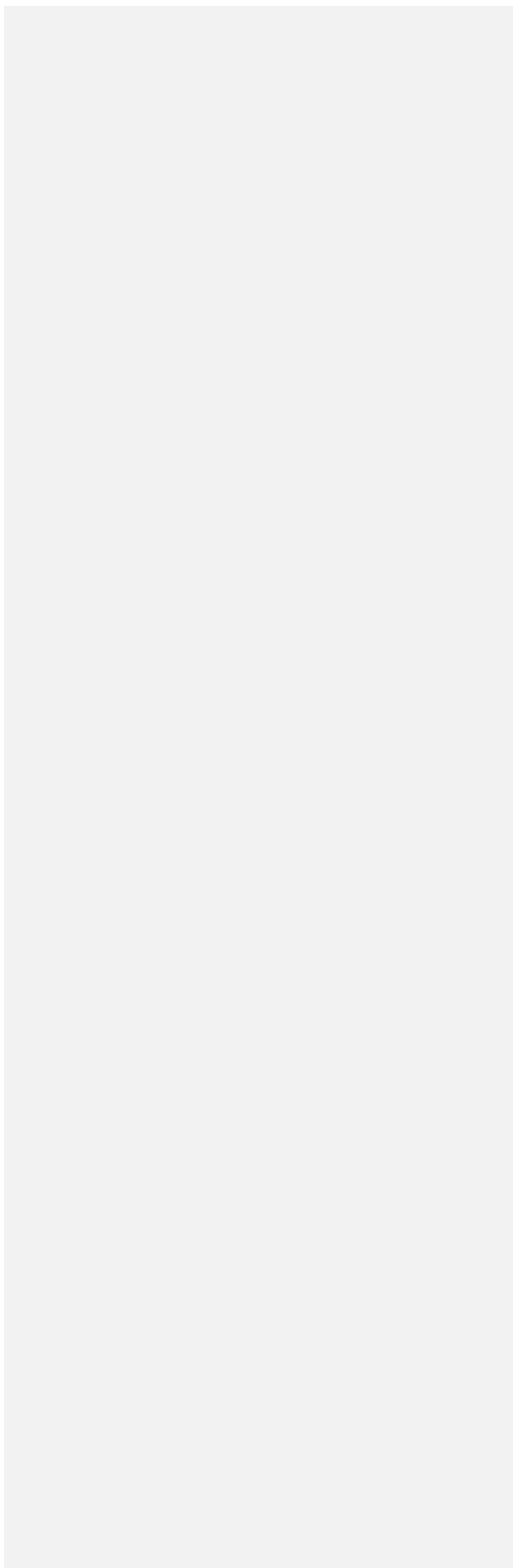
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4-15-2020
108



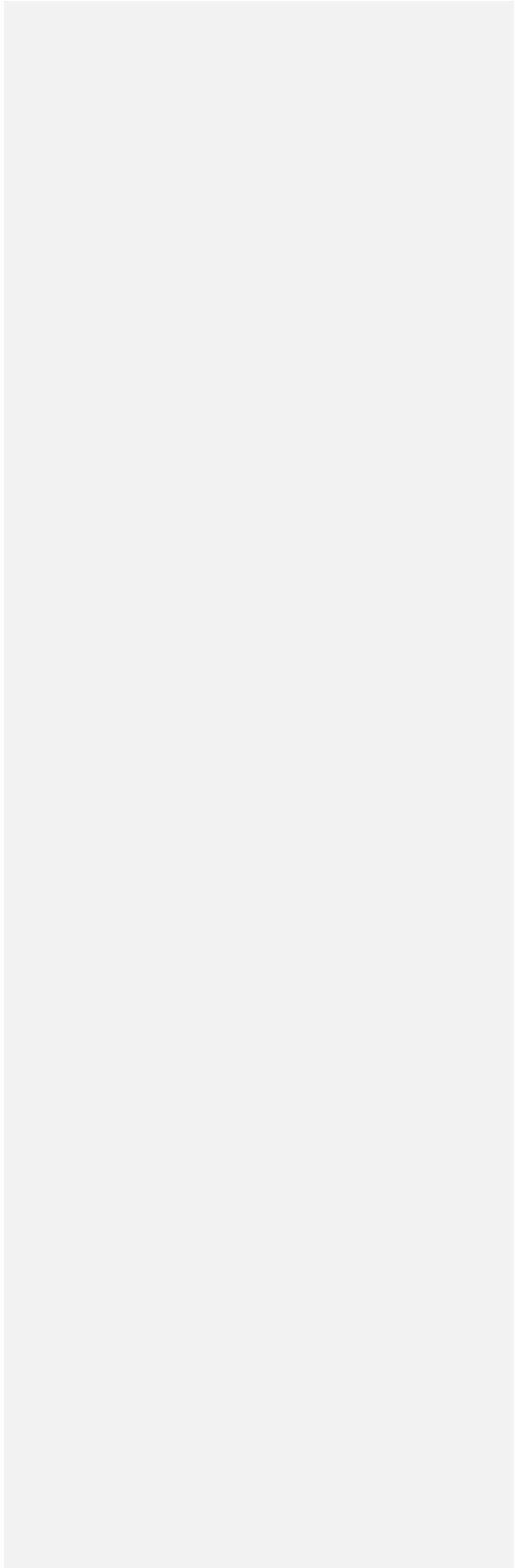
LBC
4-15-2020
109



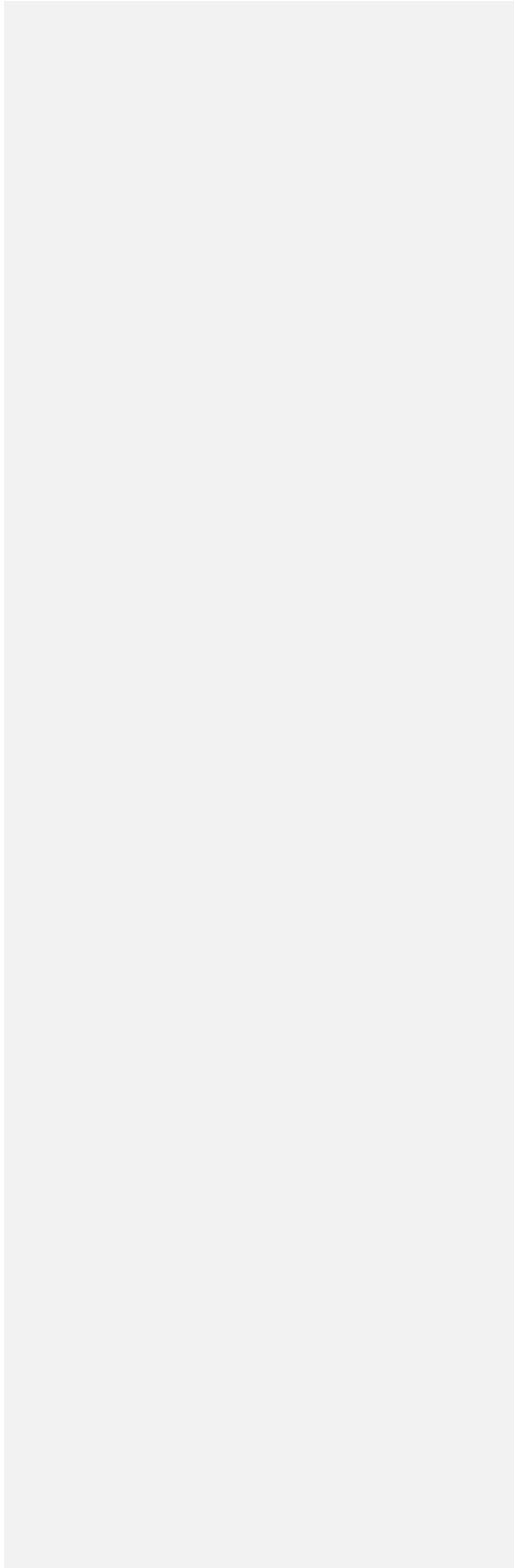
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4-15-2020
110



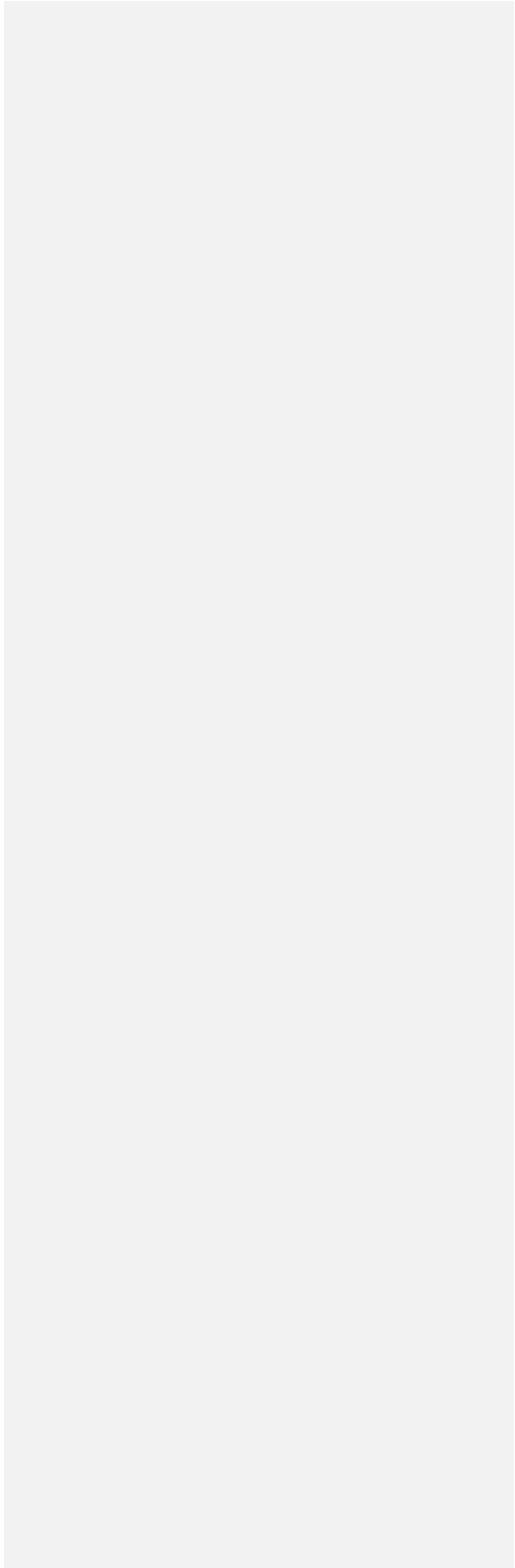
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4-15-2020
111



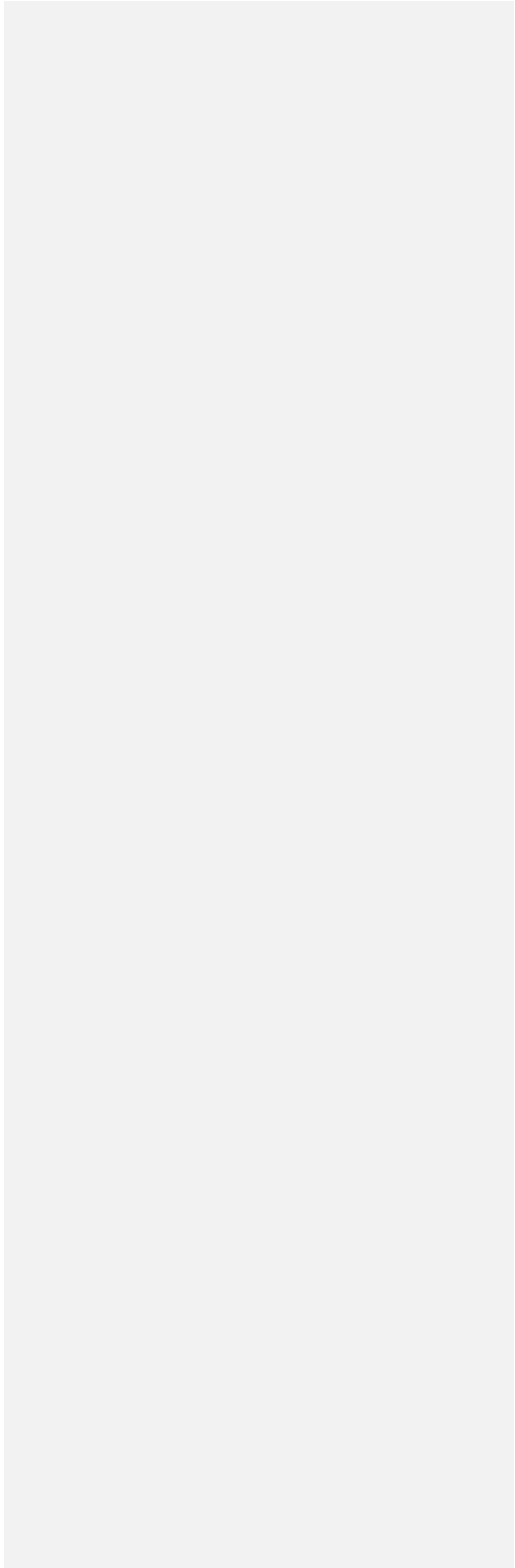
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4-15-2020
112



LBC
4-15-2020
113



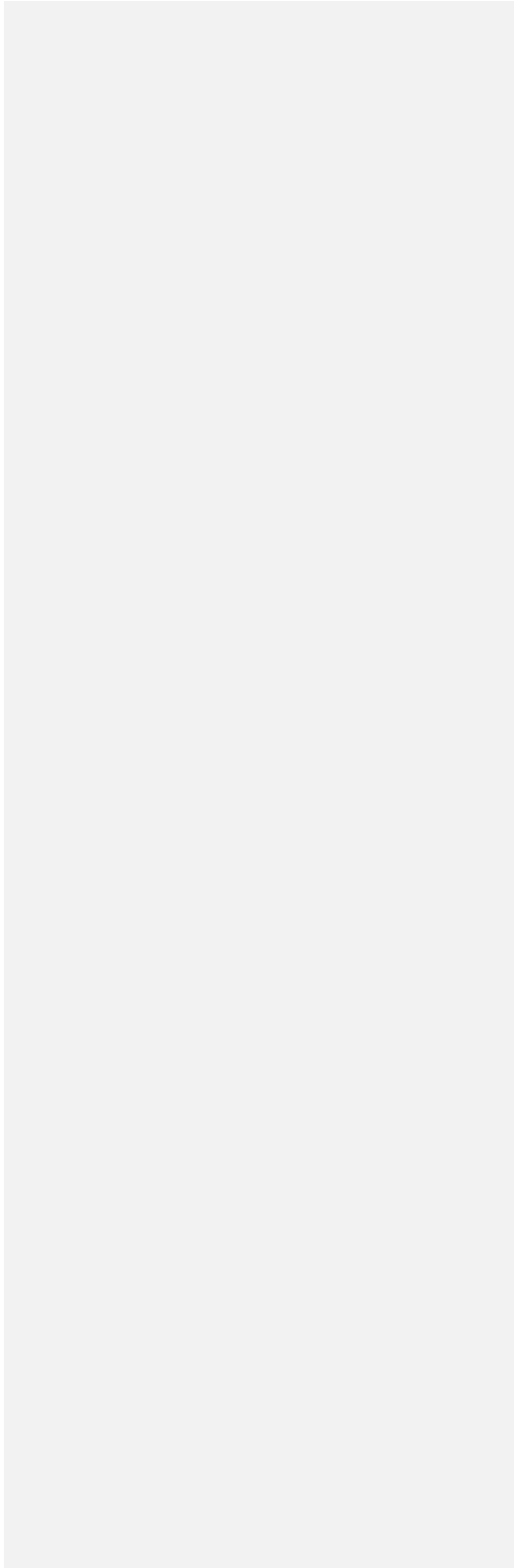
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4-15-2020
114



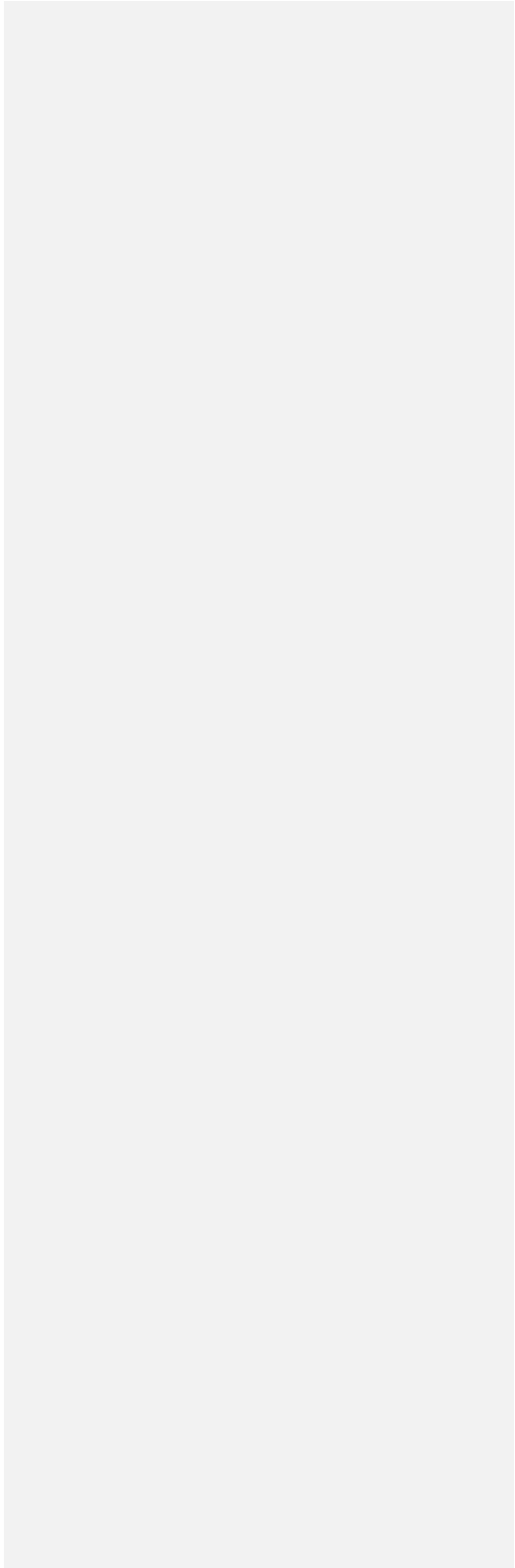
LBC
4-15-2020
115

LBC
4-15-2020
116

LBC
4-15-2020
117

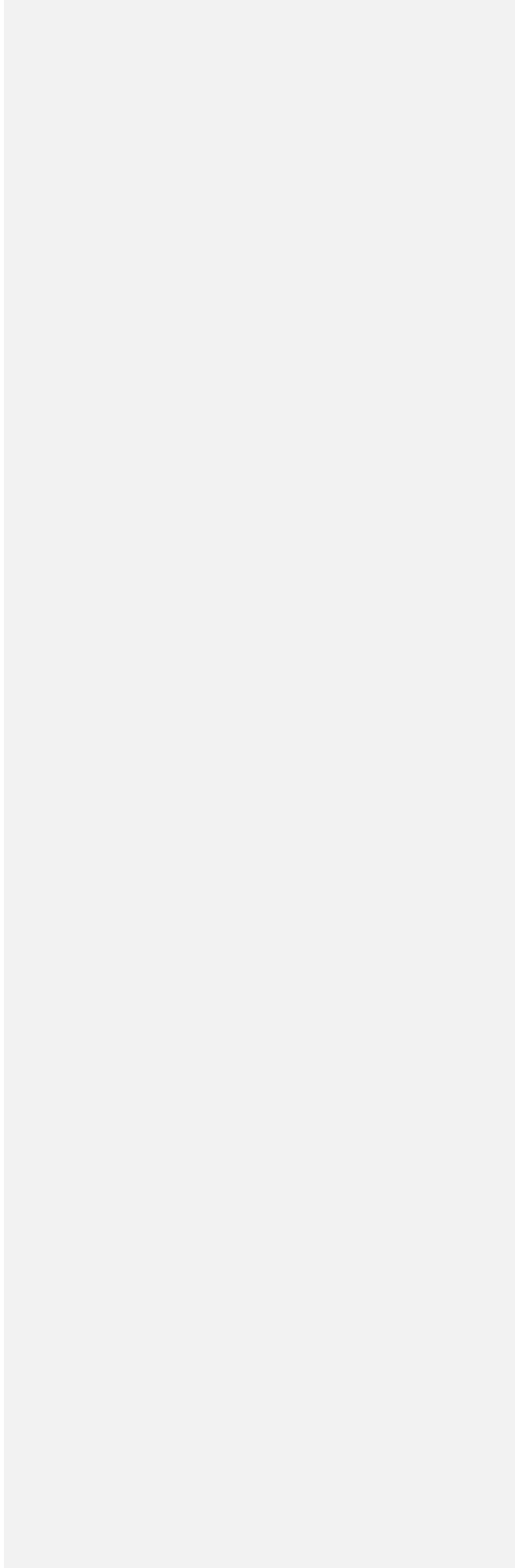


LBC
4-15-2020
118



LBCC
4-15-2020
119

LBCC
8-24-17
120



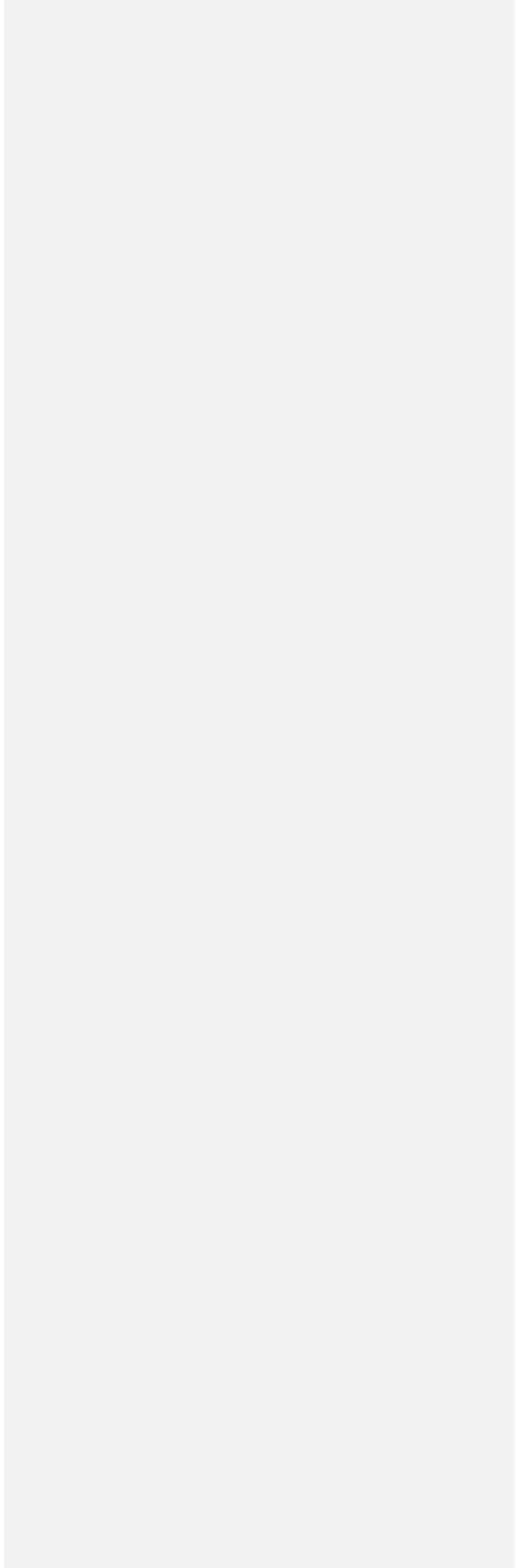
LBCC

8-24-17

121



LBC
8-24-17
122



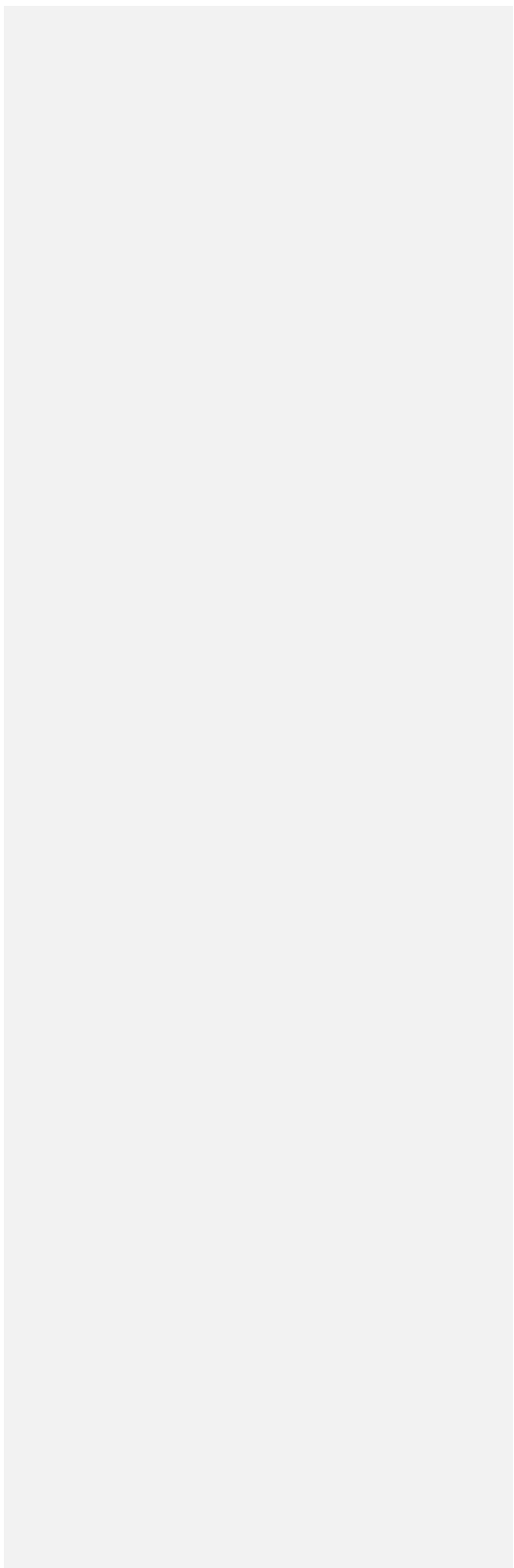
LBCC

8-24-17

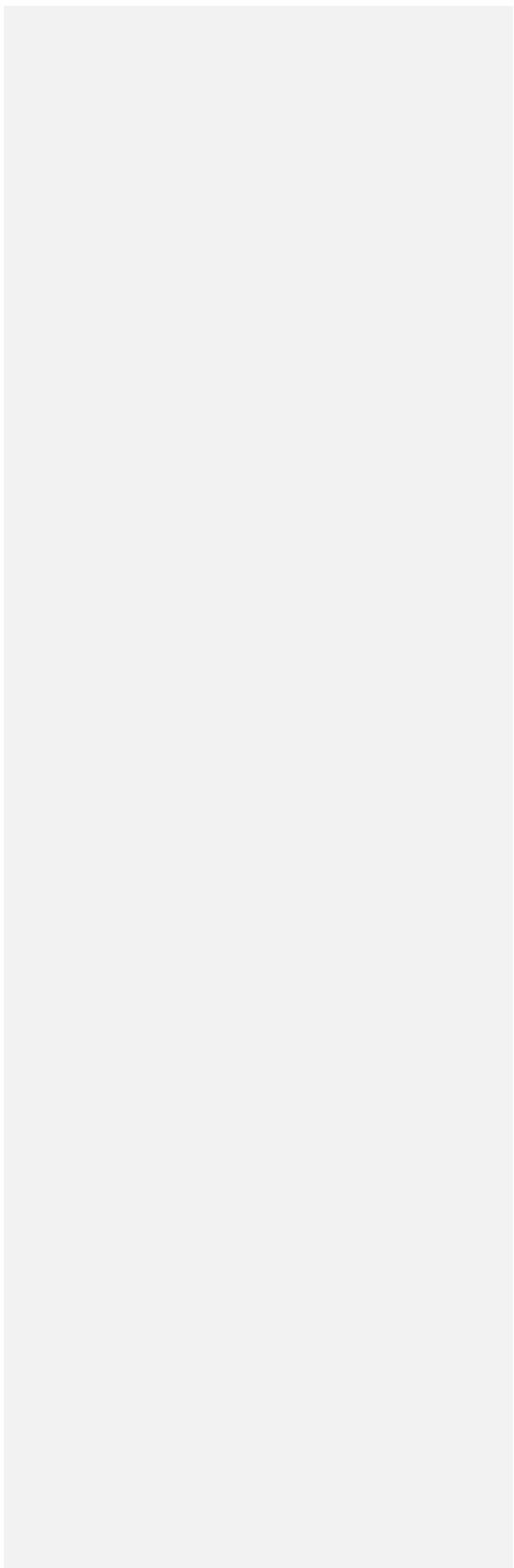
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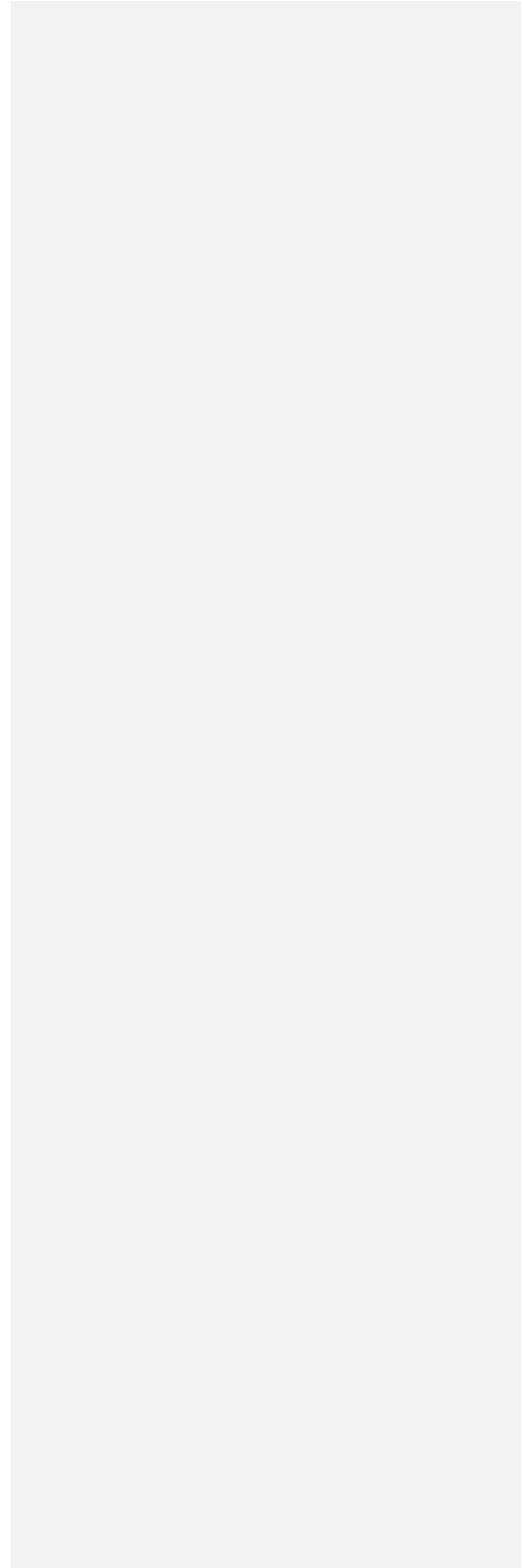
LBCC
7-17-13
124



LBCC
7-17-13
125



LBCC
2-20-13
126



LBCC
01-16-13
127

