



LEBANON BOROUGH COMMON COUNCIL
Wednesday, July 17, 2024
7:30 pm

The Regular Meeting of the Lebanon Borough Common Council was called to order by Council President Burton at 7:30 pm. The meeting was held in person and virtually.

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 James Pittinger.

MOMENT OF SILENCE:

Please join me in a moment of silence for all
US service members and First Responders who have given their lives for our country.

On behalf of a grateful nation, they are truly heroes.

ROLL CALL:

Present: Mayor Pittinger, Council President Burton, Councilman Crawford, Councilman Kirchofer and Councilwoman Porcello

Absent: Councilman Berger and Councilwoman Baldinger

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

RESOLUTION #101-2024:

Council President Burton made a motion to approve Resolution 101-2024 the Consent Agenda. With a second by Councilman Crawford.

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

RESOLUTION #101-2024

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. Animal Control
2. Fire Department Report
3. NJAFM Flood Plan Management letter
4. Thank you note

Introduced and adopted: July 17, 2024.

Ayes: Burton, Crawford, Kirchofer, Porcello

Nays:

Abstain:

Absent: Berger and Baldinger

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 July 17, 2024, force and effect as of the date I have subscribed my signature.

Date: July 17, 2024

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

OPEN PUBLIC SESSION:

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

Lisa DeRoze, Carol Ford, Vicki Zilli and Christine Burton of the Garden Club were in attendance. Lisa DeRoze stated there are now 47 members. They have been busy cleaning up the Park, 96 Main Street, 91 Main Street, 123 and 121 Main Street, and 52 Main is on board. The first Club meeting is August 6th. There are 12 people watering. She Thanked Karen for the safety vest.

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

APPROVAL OF MINUTES:

Councilman Crawford made a motion to approve the June, 2024 regular minutes seconded by Council President Burton.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

STREET OPENING 55 Main Street Clinton Water

Councilman Crawford made a motion to approve the street opening at 55 Main Street by Clinton Water seconded by Council President Burton.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

ORDINANCE 2024-04 Property Maintenance Introduction

Councilman Crawford made a motion to Introduce the Property Maintenance Ordinance seconded by Council President Burton.

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

**PROPERTY MAINTENANCE
ORDINANCE #2024-04**

WHEREAS, the Borough of Lebanon is a historic community forming part of the rich heritage of the State of New Jersey and a classic example of “small town” America,

with many preserved residences colorfully decorated for the holidays and nationally recognized as a “Tree City USA”; and

WHEREAS, as a result of lack of maintenance, oversight, neglect or otherwise, properties can become detrimental to the community and the overall public health and safety; and

WHEREAS, such conditions that continue unabated affect the general public health and safety, can create attractive nuisances, present safety hazards, and degrade the value of neighboring properties and the community as a whole.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, that a Property Maintenance Ordinance be adopted and enacted as hereinafter set forth.

PROPERTY MAINTENANCE

1. Purpose.

The purpose of this Ordinance is to protect the public health, safety and general welfare in or upon premises in the Borough of Lebanon, as hereinafter set forth by:

- A. establishing minimum maintenance standards for properties in the Borough of Lebanon.
- B. affixing the responsibilities of owners, tenants, operators, parties-in-interest and occupants of such properties.
- C. providing for proper notification of violation of this Ordinance.
- D. providing for collection of costs incurred by the municipality.
- E. providing for penalties for violations of this Ordinance.

2. Definitions.

For the purposes of this Ordinance, unless the context clearly indicates a different meaning, the following words shall be defined as set forth. The term “shall” indicates a mandatory requirement; and the term “may” indicates a permissive action.

ADMINISTRATIVE OFFICER means the Municipal Official as designated by Resolution of the Borough Council.

GRAFFITI

Any and every name, identification, description, announcement, declaration, demonstration, display, illustration or insignia, other than advertising which is otherwise provided for in this code or other ordinances of the Borough, which, without authorization, is marked, written,

drawn, painted, scratched, inscribed, or affixed directly to or upon any public or private curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamppost, utility pole, postal mail receptacle, sign, hydrant, fence, door, wall, window, garage, enclosure, vehicle, bridge, or pier or upon or within any other public or private structure, building or premises.

INOPERABLE MOTOR VEHICLE & BOATS

A vehicle, including any auto, bus, truck, van, motorcycle, or trailer, and also boats, which cannot be lawfully driven or used upon the public streets for reasons including but not limited to being unlicensed, unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power for motor vehicles, or in the case of a boat, if incapable of being used as a means of transportation on water and/or if not currently registered in accordance with New Jersey law.

LITTER

Any papers, newspapers, packaging, bags, plastics, cups, containers, cans and other similar materials lying scattered about that are subject to movement by any wind or breeze.

PARTY-IN-INTEREST

A party-in-interest under this Ordinance shall mean the owner of the property, tenant of the property, operator or person utilizing the property for its intended purpose, occupants of the property and other parties-in-interest, such as mortgagees, etc.

WEEDS

All grasses, annual, biennial and perennial plants and vegetation which are propagated by seed or vegetative parts, which are of little value and compete with cultivated plants or may affect the health of humans or animals, other than trees and shrubs. This term shall not include cultivated flowers and gardens.

3. General Requirements – Exterior Property Areas.

- A. The presence, on land lying within the Borough, of brush piles, ragweed, weeds, poison ivy, dead trees; uprooted tree stumps; uprooted roots; obnoxious growths; filth; garbage; automobile bodies and/or body parts; automobile parts; inoperable motor vehicles and boats; junk; discarded items, such as furniture, machines, appliances or parts thereof, metal trash piles of unstacked firewood or lumber, new or used; and other debris is hereby declared to be a nuisance and detrimental to the public health, safety and general welfare. The party-in-interest of lands lying within the Borough is hereby required to remove from such lands any of the items, vegetation or materials set forth above within 10 days of a written notice in accordance with the provisions of this Ordinance.

- B. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor on adjoining property owners, including the following:
- (1) Storage of commercial and industrial material. There shall not be stored or used at any location, equipment or materials relating to commercial or industrial use, unless permitted under the Land Use and Development Ordinance for the premises.
 - (2) Landscaping. Premises with landscaping, lawns, hedges or bushes shall be kept from becoming overgrown and unsightly.
 - (3) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken window glass, loose shingles, crumbling stone or excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safely, fire hazards eliminated, and adjoining properties protected from blighting influences.
 - (4) Vermin control. All parts of the premises shall be maintained to prevent infestation from insects, rodents and other vermin and pests.
 - (5) Firewood. All firewood shall be stacked neatly and shall be raised a minimum of eight inches off the ground and shall not be stacked or stored within any required front yard, side yard or rear yard setback, as set forth in the Land Use and Development Ordinance.
- C. Sidewalks, driveways, etc. The sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons using the premises including snow and ice removal and/or salting.
- D. Weeds, plants, trash and other debris. All improved premises shall be maintained free from weeds or plant growth in excess of eight inches and all brush, dead and dying trees, stumps, garbage, trash and debris, where the same impedes the health, safety, or welfare of the public. All noxious weeds and bamboo shall be prohibited, including poisonous vegetation.
- E. Rodent harborage. All structures and exterior property shall be kept free of rodent harborage and infestation where rodents are found they shall be promptly exterminated by approved processes which will not be injurious to human health.

- F. Graffiti removal - All exterior and interior structure surfaces must be kept clean and free of dirt and graffiti. Surfaces which have been exposed to graffiti must be cleaned painted or in some manner covered by the affected party-in-interest of the property so as to effect the complete removal of the graffiti from that surface and to return the surface to a clean condition.

The party-in-interest of the property shall be provided a written notice ordering the removal of such graffiti which notice shall be delivered to the party-in-interest by certified mail return receipt requested and regular mail. The notice shall direct the party-in-interest of the affected property to remove the graffiti within 30 days from the date that such notice is sent.

- G. Trees with dead limbs or branches which are or may become hazardous to persons, occupants or property in the vicinity shall have such limbs or branches removed. Trees which are dead or dying shall be removed, and in the case of dead or dying trees, no action or Notice shall be sent until the Shade Tree Committee or their representative advises the Governing Body in writing of the trees dead or dying conditions which are in need of immediate removal. The Governing Body shall thereafter note their concurrence on record and shall direct that a 10 day notification of removal be given to the party-in-interest.
- H. Encroachment any plant growth which shall encroach on the public way of neighbor's property or affect movement or vision of pedestrians or vehicles on the public way shall be trimmed to allow for unobstructed vision and passage of persons pedestrians and vehicles.

4. Responsibility of party-in-interest

The party-in-interest of lands lying within the Borough is hereby required to remove from such lands and correct such conditions, and to comply with the requirements above, within 10 days after delivery to such party-in-interest of a written notice in accordance with the provisions of this Ordinance (30 days regarding graffiti).

5. Notice of Violation.

- A. The notice required to be given under this Ordinance shall be mailed by the officer designated by the Borough to said party-in-interest by certified mail, return receipt requested, and regular mail, addressed to his or her last known address or, if unknown, in the case of an owner, to his address as the same appears on the tax records of the municipality, or in the case of a tenant, to the property address. Notice may be served by hand delivery.
- B. The period of time for compliance shall commence from the date the certified mail, return receipt mailing is delivered and stamped by the post office for delivery of such

notice. If notice is hand delivered, the period of time shall commence on the date of the service of the notice.

- C. Every such notice shall, in addition to requiring compliance with this Ordinance, advise the party-in-interest that failure to effect such removal within the time stated in said notice will result in such removal by the Borough of Lebanon, and the cost of such removal will be charged to the owner.

6. Costs to become lien upon lands.

In all cases where materials are removed or maintenance undertaken on any lands under this Ordinance by or under the direction of a designated Borough official, to effect such removal, such officer shall certify the cost thereof to the Governing Body, who shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rates as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. The above costs of removal shall be additional to any other penalties which may be imposed under this Ordinance.

7. Violations and Penalties:

Any party-in-interest who fails to abate the violation as set forth in the NOTICE provided for in Section 5 above, (that is, within 30 days as to graffiti, and 10 days as to all other violations), upon conviction of such violation, shall be subject to the penalties as set forth in the General Penalty Provision of the Lebanon Borough Ordinance (Ord. #2010-4).

8. Repealer:

All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

9. 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.

10. Effective Date:

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

Vote after public hearing and upon final adoption:

Burton_____

Berger_____

Crawford_____

Kirchofer_____

Baldinger_____

Porcello_____

Ordinance approved by the Governing
Body and presented to the Mayor on
_____, 2024

Veto in Whole or Part:

Approved:

_____ {or}

James Pittinger, Mayor

James Pittinger, Mayor

Date:

Date:

Returned to Borough Clerk with statement attached on _____, 2024

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 17, 2024 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 21, 2024 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Adm/Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

RESOLUTION #102-2024:

Councilman Crawford made a motion to approve Resolution 102-2024. With a second by Council President Burton.

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

RESOLUTION # 102-2024

**Calling Upon the Veterans Administration to Create a Community Access Point
in Hunterdon County**

WHEREAS, the Hunterdon County Commissioner Board recently contacted Congressman Tom Kean and U.S. Senators Cory Booker and Robert Menendez, for their collective help in getting the U.S. Department of Veterans Affairs to increase access to VA healthcare services within Hunterdon County; and,

WHEREAS, the U.S. Department of Veterans Affairs has recently opened Community Access Point (CAP) centers in other counties in New Jersey, including Morris County; and

WHEREAS, residents currently residing in Hunterdon County must travel nearly an hour to seek care at either Lyons VA Medical Center in Somerset County or the Vet Center Outstation that recently opened in Hackettstown in Warren County; and

WHEREAS, the creation of a CAP in Hunterdon County has been a major priority for veterans-based organizations in Hunterdon County including the VFW and American Legion; and

WHEREAS, to help facilitate the establishment of a CAP in Hunterdon County, the Commissioner Board is willing to provide office space free of charge to the U.S. Department of Veterans Affairs; and

NOW, THEREFORE, BE IT RESOLVED, the Borough/ of Lebanon does hereby support the Hunterdon County Commissioner Board's call for the creation of a VA Community Access Point in Hunterdon County; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Congressman Tom Kean and U.S. Senators Cory Booker and Robert Menendez.

Introduced and adopted: July 17, 2024

LEBANON BOROUGH COUNCIL

Ayes: Burton, Crawford, Kirchofer, Porcello

Nays:

Absent: Berger and Baldinger

Richard Burton
Borough Council President

ATTEST:

Karen M. Romano
Borough 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 July 17, 2024 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: July 17, 2024

Karen M. Romano
Borough Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

RESOLUTION #103-2024:

Councilman Crawford made a motion to approve Resolution 103-2024. With a second by Council President Burton.

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

RESOLUTION #103-2024

**RESOLUTION TO APPOINT GERARD J SHAMEY AS MUNICIPAL COURT JUDGE
FOR THE BOROUGH OF LEBANON**

WHEREAS, the position of Municipal Court Judge is filled by a person providing a service; and

WHEREAS, Robert L. Alexander was appointed Municipal Court Judge beginning January 1, 2022 through December 31, 2024; and

WHEREAS, Robert L. Alexander submitted for retirement, effective January 31, 2024, thus, creating a vacancy; and

WHEREAS, Gerard J. Shamey, the current Vicinage 13 Presiding Judge of Municipal Courts,
has been acting as Interim Judge; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Lebanon Hunterdon County, New Jersey as follows:

That Gerard J. Shamey be appointed to fill the unexpired term of Robert L. Alexander, which expires December 31, 2024.

Introduced and adopted:

LEBANON BOROUGH COUNCIL

Ayes: Burton, Crawford, Kirchofer, Porcello

Nays:

Absent: Berger, and Baldinger

Richard Burton, Borough Council President

ATTEST:

Karen Romano
Borough Clerk

I certify that the foregoing is a true copy of the Resolution adopted by the Borough Council at a meeting held on July 17, 2024.

Karen Romano
Borough Administrator/ Clerk

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

APPROVAL OF EXPENDITURES: Council President Burton made a motion to approve the Bill list for July 2024. Councilman Crawford seconded the motion.

The Motion was passed by the following vote:

YES: Council President Burton, Councilman Crawford Councilwoman Porcello, and Councilman Kirchofer

NO:

Abstain:

Absent: Councilman Berger and Councilwoman Baldinger

DISCUSSION:

OPEN PUBLIC SESSION:

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

Thersa Rowland was concerned about parking on High Street and Main Street. She also stated her neighbor was obstructing her exit passage from her driveway. Karen said she would look into it.

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

COMMITTEE UPDATES:

Recreation: The Yard Sale will be held October 5th, Music in the Park is September 28th and Bingo night is August 26th.

MISCELLANEOUS:

ADMINISTRATOR'S REPORT TO THE GOVERNING BODY

July 17, 2024

INFRASTRUCTURE COMMITTEE

- Met with the Playground vendors regarding the Park Renovation.
- Street Sweeping complete. The new company was great to work with.
- The Bid opening for Myrtle and Young is scheduled for July 24th. I need a quick meeting on July 25th to award.
- Working with Joe Novak to complete the Garbage Bid
- Worked with Joe Novak to complete the Property Maintenance
- Applied for the Hunterdon County infrastructure grant

PUBLIC SAFETY COMMITTEE

- Would like to meet July 26, 29 or 30th. Jim Lisa and Rob please let me know your availability.

REGISTRAR

- Monthly Reports filed

SENIOR CLUB:

- **Senior had a luncheon in memory of Bob Fry along with entertainment provided by the Fry family.**

RECREATION –

- **June meeting was CANCELED**

ENVIRONMENTAL/SHADE TREE

- No Meeting

HISTORICAL COMMITTEE

- No meeting in May

WELCOME BAGS

- **Date of Meeting:** No Meeting
- **New Residents:** 4 new resident.

ADJOURN:

Councilman Berger moved, and Councilman Crawford seconded a motion to adjourn, there being no further business to come before Council. The meeting was adjourned at 8:50 pm by unanimous vote.

Karen M. Romano, RMC
Borough Administrator/Clerk

