



LEBANON BOROUGH COMMON COUNCIL
Wednesday, January 15, 2025
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, Berger, Councilman
Crawford and Councilman Kirchofer, Councilwoman Porcello and Councilwoman
Baldinger

Absent: ,

Also, Present: Administrator/Clerk Karen M Romano RMC,

Borough Attorney Joseph Novak Esq.

RESOLUTION #51-2025:

**Councilman Berger made a motion to approve Resolution 51-2025 the Consent Agenda.
With a second by Council President Burton.**

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

RESOLUTION #51-2025

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 Dept Report
3. Stormwater Ordinance approved by Hunterdon County

Introduced and adopted:

January 15, 2025.

Ayes: Burton, Berger, Crawford, Kirchofer, Porcello, Baldinger

Nays:

Abstain:

Absent:

LEBANON BOROUGH COUNCIL

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Administrator/ Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on January 15, 2025, force and effect as of the date I have subscribed my signature.

Date: January 15, 2025

Karen M. Romano, RMC
Borough Administrator/Clerk

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

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.

Trooper Tony De Lorenzia reported.

Traffic report:
4 accidents
18 operations stop

Speed Data indicates Traffic has slowed.

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

EXECUTIVE SESSION:

Mayor Pittinger requested a motion to enter executive session. Councilman Berger made a motion to approve Resolution to enter executive session. With a second by Council President Burton.

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

RESOLUTION #52-2025

Whereas, the Open Public Meetings Act allows the Mayor and Council to exclude the public from a portion of a meeting in certain circumstances,

Now therefore, be it Resolved, by the Council of the Borough of Lebanon, that the public shall be excluded from discussion of the following matter(s):

- 1. A confidential matter under Federal or State Law or Court Rule.
- 2. A matter involving information that may jeopardize the Borough's rights to receive funds from the United States Government.
- 3. A matter constituting an unwarranted invasion of an individual's privacy rights.
- 4. Collective Bargaining Agreement or negotiation of the Agreement.

5. Matters involving the purchase, lease or acquisition of real property.
6. Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
7. Litigation Tax Court Matters _____ Anticipated Litigation _____
Contract Negotiations: _____
8. Matters falling within the attorney-client privilege: _____.
9. Personnel matters involving a specific employee or officer of the Borough: Policies.
10. Deliberations involving a public hearing which may result in the imposition of a specific civil penalty or suspension or loss of a license or permit.

The approved Executive Session minutes will be placed on file in the Borough Clerk's Office and will be available to the public as provided for by Law.

Be it further Resolved, that this Resolution shall take effect immediately.

Introduced and adopted: January 15, 2025

Ayes: Burton, Berger, Crawford, Kirchofer, Porcello and Baldinger

Nays:

Abstain:

Absent:

LEBANON BOROUGH COUNCIL

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 15th day of January 2025; 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: January 15, 2025

Karen M. Romano, RMC
Borough Administrator/ Clerk

The Motion was passed by the following vote:

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

NO:

Abstain:

APPROVAL OF MINUTES:

Councilwoman Porcello made a motion to approve the December regular and executive minutes and the January 6, 2025 Reorganization minutes seconded by Councilman Berger.

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

ORDINANCE; 2025-01 CAP ORDINANCE INTRODUCTION

Councilman Crawford made a motion to introduce the CAP Ordinance 2025-01 With a second from Councilman Kirchofer.

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

ORDINANCE #2025 - 01

AN ORDINANCE BY THE BOROUGH OF LEBANON
IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY
TO EXCEED THE INDEX RATE FOR THE 2025 BUDGET

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing body of the Borough of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$13,245.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing body of Borough of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$46,357.65, and that the CY 2025 municipal budget for the Borough of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote after public hearing and upon final adoption:

Burton_____

Berger_____

Crawford_____

Kirchofer_____

Porcello____

Baldinger_____

Ordinance approved by the Governing

Body and presented to the Mayor on

_____, 2025

Veto in Whole or Part:

Approved:

_____ {or}

James Pittinger, Mayor

James Pittinger, Mayor

Date:

Date:

Returned to Borough Clerk with statement attached on _____, 2025

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on January 15, 2025, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on February 19, 2025 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Administrator

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

RESOLUTION #54-2025:

Councilman Berger made a motion to approve Resolution 54-2025. With a second by Councilman Crawford.

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

RESOLUTION #54-2025

**RESOLUTION ACCEPTING DCA'S FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED NUMBERS AND COMMITTING TO
ADOPT AND FILE A HOUSING PLAN AND FAIR SHARE PLAN ELEMENT
COMPLYING WITH LAW**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Lebanon Borough’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 7, and a Prospective Need or New Construction Obligation for of 31; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, and that municipalities “shall determine [their] present and prospective fair share obligations for affordable housing in accordance with the formulas established in [the Amended FHA] by resolution, and that the resolution shall “bind the municipality to adopt a housing element and fair share plan pursuant to [the Amended FHA] based on this determination as may be adjusted”; and

WHEREAS, the Amended FHA further provides that “a]l parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions” (N.J.S.A 52:27D-311 (m); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Lebanon Borough accepts the DCA calculations of Lebanon Borough’s fair share obligations and commits to its fair share of 7 units of present need and 31 units of prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Lebanon Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Lebanon Borough also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Lebanon Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Lebanon Borough Council finds that it is in the best interest of Lebanon Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”, and the Declaratory Judgment complaint must have attached to it a copy of the municipal Resolution; and

WHEREAS, Lebanon Borough seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel Joseph S. Novak, Esq. to file a declaratory relief action within 48 hours of the adoption of this resolution in Hunterdon County, which Declaratory Judgment action shall have attached to it a copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of January, 2025 by the Borough Council of the Borough of Lebanon, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. Lebanon Borough hereby determines that its Round 4 Present Need Obligation is 7 units and its Round 4 Prospective Need Obligation is 31 units described in this Resolution subject to all reservations of rights set forth above.
3. Lebanon Borough hereby commits to adopt a housing element and fair share plan pursuant to the Amended FHA based on its determination of its Round 4 fair share affordable housing

obligations as set forth above, as may be adjusted pursuant to the Amended FHA and subject to all reservations of rights set forth above.

4. Lebanon Borough hereby directs its Borough Attorney Joseph Novak Esq. to file a declaratory judgment complaint in Hunterdon County within 48 hours after adoption this Resolution, attaching this Resolution.

5. Lebanon Borough authorizes Attorney Joseph Novak Esq. to attach this Resolution as an exhibit to the Declaratory Judgment action that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be determined to be appropriate.

6. This Resolution shall take effect immediately, according to law.

Introduced and adopted:

Ayes: Burton, Berger, Crawford, Kirchofer, Porcello, Baldinger

Absent: -None

LEBANON BOROUGH COUNCIL

ATTEST: Karen M. Romano, RMC, CMR

Richard J. Burton, Council President

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 15th day of January, 2025; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: January 15, 2025

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

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

RESOLUTION #55-2025:

Councilman Berger made a motion to approve Resolution 55-2025. With a second by Council President Burton.

BOROUGH OF LEBANON

COUNTY OF HUNTERDON

STATE OF NEW JERSEY

RESOLUTION #55-2025

BKC Certified Public Accountants

THE LEBANON BOROUGH AUDITOR

WHEREAS, the Borough of Lebanon Council has determined a need for the services of BKC Certified Public Accountant Laura Atwell CPA,

PSA, RMA 114 Broad Street Flemington, NJ 08822, New Jersey; and

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; and

WHEREAS, the Borough Council has determined in consultation with the Borough Attorney, that BKC Certified Public Accountants has the requisite experience for such specialized matters;

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

1. BKC Certified Public Accountants. is hereby retained as Auditor to the Borough of Lebanon as of January 1, 2025.
2. The Mayor and Clerk are hereby authorized to execute a professional services contract with BKC Certified Public Accountants on the condition that the Auditor 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, Crawford, Kirchofer, Porcello, Baldinger

Absent:

LEBANON BOROUGH COUNCIL

Richard J. Burton, Council President

ATTEST: _____

CERTIFICATION

I, Karen M Romano, Lebanon Borough Administrator/Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 15th day of January, 2025; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: January 15, 2025

Karen M. Romano, RMC, CMR

Lebanon Borough Administrator/ Clerk

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

APPROVAL OF EXPENDITURES: Councilman Berger made a motion to approve the Bill list for January 2025. Council President Burton seconded the motion.

SEE ATTACHED

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

DISCUSSION:

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.

There being no further public comment Council President Burton 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: Councilwoman Porcello announced a Family Bingo will be scheduled in March.

LBS: Councilwoman Baldinger reported the Pre School will begin as earlier as 2025-2026 Funded by State Aid. LBS will send grades 6,7, and 8 to Clinton Public.

The Motion was passed by the following vote:

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

NO:

Abstain:

Absent:

MISCELLANEOUS:

ADMINISTRATOR'S REPORT TO THE GOVERNING BODY

January 15, 2025

INFRASTRUCTURE COMMITTEE

- Met with the Committee to review proposed Playground designs
- Met with third playground companies to obtain proposals.
- Worked on 2025 Recreation NJSAGE grant
- Met with the Committee to review chip area on Railroad Ave
- Continue to work with Sanico to perfect Garbage and Recycling service

PUBLIC SAFETY COMMITTEE

- Met with Public Safety Director to discuss file a light out report
- Met with Public Safety Director to review chip area on Railroad Ave

REGISTRAR

- Year-end reports

STORMWATER MANAGEMENT

- Working with Stormwater Control Solutions to file all end of the year reports

CROSSING GUARDS

- New hire training

FINANCE

- Working to bring all State platforms up to date
- Began preparing 2025 Budget

SENIOR CLUB:

- Seniors meeting was Canceled due to weather

RECREATION: –Meeting:

- Burning of the Greens was a success
- Family night Bingo coming in March

ENVIRONMENTAL/SHADE TREE

- No Meeting

HISTORICAL COMMITTEE

- No meeting

WELCOME BAGS

- **Date of Meeting:** No Meeting
- **New Residents:** 0

ADJOURN:

Councilman Berger moved, and Councilwoman Baldinger 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.

Karen M. Romano, RMC
Borough Administrator/Clerk

