

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES

Mayor DeVecchio called the meeting to order at 7 p.m. with a statement of compliance with the Open Public Meeting Act, notice was sent to the Beacon, the Times and the Democrat on Friday, April 01, 2011, posted on the City's bulletin board and website, and sent to assorted individuals through the list serve of the website.

ROLL CALL.

Present: Councilwoman Asaro, Councilman Sanders (phone), Councilwoman Warner, Council President Stegman and Mayor DeVecchio.

Absent: None.

PLEDGE OF ALLEGIANCE.

Mayor DeVecchio led the public in the Pledge of Allegiance and asked the public to remain standing for the Pledge of Allegiance.

MOMENT OF SILENCE

Mrs. Ege led the public in a Moment of Silence in recognition of the Lambertville citizens and all others serving with the United States Armed Services.

ORDINANCES.

Ordinance 10-2011: An Ordinance to establish a cap bank for 2011.

Mayor DeVecchio explained that the City of Lambertville qualified to establish a CAP Bank for the 2011 Budget year and will put \$31,456.98 in a CAP Bank for possible use in the next two years budget cycles.

City of Lambertville
Ordinance 10-2011
2011 CAP Bank Ordinance

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 final budget appropriations to 2.0% or the cost of living adjustment of 3.5% over the previous years final appropriations; and

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% cost of living adjustment when the said difference is not appropriated as part of the final budget; and

WHEREAS, Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, hereby determines that this difference is in the amount of \$31,456.98 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above 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

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 2

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 five days of introduction; and

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

INTRODUCED: April 4, 2011
PUBLIC HEARING: April 18, 2011

Motion to Introduce the CAP Bank Ordinance

Councilwoman Asaro made a motion to approve on first reading and introduction, Ordinance 10-2011, An Ordinance to establish the CAP Bank for 2011. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Public Hearing is scheduled for April 18, 2011.

INTRODUCTION OF THE 2011 BUDGET.

Mayor DelVecchio read the budget by title into the record. He commented that the budget represents an increase of \$231, if the referendum is approved, and the property owners will no longer have to pay the Garbage and Recycling service fee established in 2010. The budget is \$458,392 higher than in 2010, or \$28,392 with the Garbage and Recycling Fees removed. The increases include \$10,000 for election expenses for the referendum; decrease in personnel in the Court (1/2 person), Public Works (1 person), Clerk's Office (1/2 person) and Police Department (1 officer); Clean Up Week; Payment of \$646,419 for debt service; Benefits totaling \$762,661; Raises for Police Officers only in accordance with the Collective Bargaining Agreement; and money to fund the Acting Clerk and Acting CFO when they obtain their certifications.

Mayor DelVecchio asked for comments from the Public.

Charles Kaufmann of Lamberts Hill asked about the reduction in the garbage and increase in recycling collections and wanted to know how that impacted the budget. Mayor DelVecchio informed him that there are other increases that balance that out. The Acting Clerk gave Mr. Kaufmann a copy of the budget and the Mayor offered copies of worksheets. Mr. Kaufmann will identify what records he wants and request them through the Acting Clerk.

Mayor DelVecchio commented that the residents should be thanked for their participation in the recycling program and there are many other benefits other than the budget which include the items not going to the landfill and not being incinerated causing problems with the environment.

Paul Cronce, Director of Public Works commented that the City is under the 2% CAP.

Charles Kaufmann asked if Department Heads were given incentives to not spend their budget. Mayor DelVecchio stated the City is not like the private sector and he informed Mr. Kaufmann that the City cannot do that. If the money is not spent in this year, it goes into the

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 3

fund balance or surplus. The City can transfer unused portions to other line items during the last two months of the year and during the first two months of the next year. In the next budget cycle, the total amount spent will be reviewed and decreased or increased, whichever is appropriate.

Mayor DeVecchio asked for additional comments or questions about the budget. There being no additional comments, he asked for a motion to introduce the budget.

Motion to introduce the budget:

Councilwoman Warner made a motion to introduce the budget for 2011. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

RESOLUTIONS.

Resolution Number 66-2011: A Resolution by the City of Lambertville in the County of Hunterdon and State of New Jersey Authorizing Municipal Levy Cap Referendum on April 27, 2011.

Mayor DeVecchio informed the members of the public that this resolution will authorize the referendum on the question for voters to approve the request to exceed the 2% levy cap, which will allow the City to put the fees back into the budget. If it is not approved, the City will continue to charge the property owners the \$200 service fee for the garbage and recycling collection.

City of Lambertville

Resolution Number 66-2011

Resolution by the City of Lambertville in the County of Hunterdon in the State of New Jersey Authorizing Municipal Levy Cap Referendum on April 27, 2011

WHEREAS, N.J.S.A. 40A:4-45.45 provides that in preparation of its budget, a municipality shall, subject to certain statutory exceptions, limit any increase in its allowable municipal tax levy to two percent (2%) over the previous year's tax levy; and,

WHEREAS, N.J.S.A. 40A:4-45.46, permits a municipality to increase its allowable tax levy by a percentage rate greater than otherwise authorized where said increase is approved by referendum; and,

WHEREAS, N.J.S.A. 40a:4-45.3(i) provides that in preparation of its budget a municipality may add to its allowable final appropriations any amount approved by referendum; and

WHEREAS, the Mayor and Council of the City of Lambertville, in the County of Hunterdon has called for a special referendum election pursuant to N.J.S.A. 40A:4-45.46 and N.J.S.A. 40A:4-45.3a, because it finds it advisable and necessary to increase its 2011 allowable tax levy and allowable final appropriations by more than otherwise authorized; and,

WHEREAS, the Mayor and Council of the City of Lambertville hereby determines that a 23.58% increase in the allowable tax levy, which is 23.58% in excess of the increase in allowable tax levy, which is \$430,000 in excess of the increase in allowable tax levy, and that an increase of \$430,000 over its otherwise allowable final appropriations shall be added, will only become effective upon authorization by the voters by referendum; and

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 4

WHEREAS, set forth below are those that have give rise to the need to seek an increase in the allowable tax levy and final appropriations from what would otherwise be provided under the limitations of state law;

Loss of Revenue Line Items	Amount of Loss
Solid Waste & Recycling Fees	\$430,000

NOW THEREFORE BE IT RESOLVED, that the question to be placed on the ballot shall be as follows:

Public Question

“Shall the Mayor and Council of the City of Lambertville be authorized to increase its adjusted tax levy by \$430,000 more than the allowable adjusted tax levy, which is 23.58% more than the allowable adjusted tax levy as provided by N.J.S.A. 40A:4-45.44 et. seq. and shall it be authorized to increase to adopt the 2011 Municipal Purposes Budget in excess of the increase limitation by \$430,000 as provided by N.J.S.A. 40A:4-45.3(i).”

Levy Cap Referendum Explanatory Statement

The following explains the reason for the governing body’s decision to ask the public question.

In 2010 the City of Lambertville charged most property owners a fee of \$200 per unit based on property tax records for each property. This was a service fee for garbage and recycling collection and was not included in property taxes. The City billed and anticipated \$430,000 in the 2010 budget for this purpose. Throughout 2010, City officials discussed garbage and recycling program options with residents who expressed interest in having this fee put back into the municipal property tax levy and eliminating the service fee. This question asks if the municipal tax levy should be increased by \$430,000 if the separate fee is eliminated.

A “yes” vote will increase the municipal tax levy by \$430,000 and eliminate the existing \$200 service fee per unit for garbage and recycling collection.

A “no” vote will continue the \$200 service fee per unit for garbage and recycling collection.

BE IT FURTHER RESOLVED, that said referendum be, and is same is scheduled for April 27, 2011, between the hours of 7 AM and 9 PM prevailing time, in the manner provided by statute.

BE IT FURTHER RESOLVED, that a public hearing on the budget will be held at the Justice Center, located at 25 South Union Street, starting at 7:00 PM on May 9, 2011, at which time and place objections to said budget may be presented by taxpayers or other interested parties.

BE IT FURTHER RESOLVED, that one certified copy of this Resolution, shall be transmitted to the County Clerk of Hunterdon, and to the Director of the Division of Local Government Services, within one business day after adoption, but no later than April 8, with the recorded vote included thereon.

Adopted this fourth day of April, 2011

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 5

I, Cynthia L. Ege, Acting City Clerk of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey.

 Cynthia L. Ege, CMR, Acting City Clerk

(Seal)

Calculation of Tax Levy Amounts for Referendum and Public Question

Col. Reference	Calculation Section	Amount
A	“Amount approved by referendum” (per Levy Cap Workbook, Summary Levy Cap Calculation page) to insert in Authorizing Resolution and Ballot Question	\$430,000
B	Maximum Allowable Amount to be Raised by Taxation	\$1,823,188.00
C	Percentage Increase above the 2% Maximum Allowable Amount to be Raised by taxation if Referendum is approved to insert in Resolution and Ballot Question (A/B)	23.58%

Mayor DeVecchio asked if there were questions about the resolution. There being no questions, he asked for a motion to approve Resolution 66-2011.

Motion to Approve Resolution 66-2011

Council President Stegman made a motion to approve Resolution 66-2011, authorizing the referendum question to exceed the tax levy. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 67-2011: A Resolution to Approve the Social Affairs Permit for Twin Rivertown Projects for April 30 and May 1 at River Horse Brewery, located at 80 Lambert Lane.

Mayor DeVecchio informed the members of the public that this resolution is for the social affairs permit for Twin Rivertown Projects for Shad Festival.

City of Lambertville
RESOLUTION NUMBER 67-2011
“Approval of Social Affair Permit for Twin Rivertown Projects, Inc.”

WHEREAS, Twin Rivertown Projects Inc., of New Hope, Pennsylvania has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on April 30 and May 1, 2011 at River Horse Brewery located at 80 Lambert Lane, Lambertville; and

WHEREAS, the affair will be held from 12 noon to 5:00 p.m. to raise funds for Lambertville and New Hope Parks; and

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 6

WHEREAS, this application was received on Monday, March 21, 2011 and the Police Director Cocuzza has not reviewed the application.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey as follows: The Mayor and City Council, the licensing authority of the City, has no objection to the Acting City Clerk to certify the application and forward the certified application to the Director of the Division of Alcoholic Beverage Control; pending the review and approval of the Police Director in the granting of a special permit to be issued to the applicant to sell alcoholic beverages at the affair to be held on the date and premises noted.

Motion to Approve Resolution 67-2011

Council President Stegman made a motion to approve Resolution 67-2011, authorizing the Social Affairs Permit for Twin Rivertown Projects for April 30 and May 1. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. **MOTION CARRIED.**

ANNOUNCEMENTS

PARKING SPACES ARE AVAILABLE AT THE JUSTICE CENTER: The Justice Center has spaces 20 and 27 available for leasing. The fee is \$45 per space per month. Please contact Shelley at City Hall for additional information. She can be reached at 609-397-0110.

REFERENDUM TO EXCEED THE LEVY CAP AND SCHOOL BOARD ELECTIONS: The annual school board election has changed and will be held the same day as the Municipal Referendum to Exceed the Levy Cap. The date is scheduled for Wednesday, April 27, 2011 from 7 AM to 9 PM. Polling Places are at the Columbia Fire House and YMAC.

PUBLIC COMMENT.

Mayor DelVecchio asked for comments from the public.

Charles Kaufmann asked how much surplus the City had in the budget. The Mayor said it was about \$90,000. He asked why accumulated leave was up by \$12,000. Mayor DelVecchio informed him that Officer Jones left the City and it was the amount due to him.

Mayor DelVecchio stated this budget was much easier than the budget in 2010 because there was no loss in State Aid. He reminded the members of the public of the loss in State Aid of over \$300,000 over the past couple of years.

Councilman Sanders disconnected at 7:28 p.m.

Since there were no additional questions or comments from the public, Mayor DelVecchio asked for a motion to adjourn.

ADJOURNMENT.

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 7 P.M., APRIL 4, 2011
JUSTICE CENTER, 25 SOUTH UNION STREET, LAMBERTVILLE
MINUTES
PAGE 7

The meeting adjourned at 7:29 p.m. with a motion made by Council President Stegman and seconded by Councilwoman Warner. An affirmative voice vote in favor of the motion was taken by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege
CMR, Acting City Clerk

Approved at the regularly scheduled session of Mayor and Council of April 20, 2011.