

**City of Lambertville**  
**Regularly Scheduled Session of Mayor and Council**  
**Monday, May 16, 2011, 6:30 PM**  
**Justice Center, 25 South Union Street, Lambertville**  
**MINUTES**

The meeting was Called to order at 6:32 pm by Mayor DelVecchio with a statement of compliance with the Open Public Meeting Act, noticing the Beacon, The Democrat, The Times, posting the agenda on the website ([www.lambertvillenj.org](http://www.lambertvillenj.org)), the bulletin board at City Hall, noticing assorted individuals, and placing the annual advertisement in the January 13, 2011 issue of the Beacon.

**ROLL CALL.**

Mrs. Ege called the roll as follows:

PRESENT: Councilwoman Asaro, Councilman Sanders – arrived at 7:35 p.m., Councilwoman Warner, Council President Stegman – arrived at 6:47 p.m., Mayor DelVecchio.

ABSENT: None.

**PLEDGE OF ALLEGIANCE.**

Mayor DelVecchio led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE.**

Mrs. Ege led the public in a Moment of Silence in honoring of those serving in the United States Armed Forces and their families.

**RESOLUTION TO GO INTO CLOSED SESSION.**

**RESOLUTION**

*“Authorizing a Closed Session at the May 16, 2011 Lambertville City Council Meeting to Discuss Contracts, Personnel, Acquisition of Property, Possible Litigation”*

**WHEREAS**, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville that a closed session shall be held on May 16, 2011, in the Justice Center 25 South Union Street, Lambertville, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, Possible Litigation.*

**BE IT FURTHER RESOLVED** that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

The resolution was adopted on a call of ayes and nays as follows:

Ayes: Councilwoman Asaro, Councilwoman Warner, Council President Stegman –arrived at 6:47 p.m., Mayor DelVecchio

Nays: None.

Absent: Councilman Sanders

Mayor DelVecchio and City Council convened in closed session at 6:32 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 6:52 p.m.

### **APPROVAL OF MINUTES.**

Council President Stegman made a motion to approve the meeting minutes from the following sessions: April 20, 2011 Regular Session Minutes, April 20, 2011 Closed Session Minutes and May 9, 2011 Special Session Minutes. Councilwoman Warner seconded the motion. An unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **ADMINISTRATIVE REPORTS.**

Council President Stegman made a motion to approve the Administrative Reports as follows: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk – not submitted, Police Director – Bruce Cocuzza, Public Works Director – Paul Cronce, Acting City Clerk – Cynthia Ege, and Acting Chief Financial Officer and Director of Finance – Diane Sherry Buono. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **APPROVAL OF BILLS LIST.**

Council President Stegman made a motion to approve the bills lists 1 and 2 as submitted. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **PROCLAMATIONS**

#### **SOUTH HUNTERDON REGIONAL HIGH SCHOOL STUDENTS, SKYLAND ALL-CONFERENCE TEAM FOR THE 2010-2011 WINTER SEASON.**

Mayor and Council read the following Proclamation into the record.

#### **PROCLAMATION**

**WHEREAS**, students from the South Hunterdon Regional High School participate in a variety of sports, and

**WHEREAS**, South Hunterdon Regional High School is a small regional school receiving students who reside in the City of Lambertville, West Amwell Township and the Borough of Stockton, and

**WHEREAS**, the following students have been recognized by the Skyland All-Conference Team for the 2010-2011 winter season:

**Boys Basketball:** Max Whitaker – 1<sup>st</sup> Team, Javon Mitchell - 1<sup>st</sup> Team, Josh Cullen – 2<sup>nd</sup> Team.

**Girls Basketball:** Sarah Phillips – 1<sup>st</sup> Team, Kelly Albanir – 2<sup>nd</sup> Team, Ryann Tucker – Honorable Mention.

**B/G Bowling:** Jen Wengryn – 1<sup>st</sup> Team, Roxy Kreider – 2<sup>nd</sup> Team.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the fore mention students of South Hunterdon Regional High School be congratulated on a job well done and wished much success with their future athletic and scholar achievements.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 3**

**ADOPTED:** May 16, 2011

Council President Stegman made a motion to adopt the Proclamation supporting the students receiving the Skyland All-Conference Team for the 2010-2011 Winter Season. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked Frank Schermerhorn, Coach of the Boys Basketball team if he would like to comment. Coach Schermerhorn stated that the community has been great, the school has been supportive and the public present may want to attend a basketball game in the upcoming year.

**STEVE WOLOCK, LAMBERTVILLE BOARD OF EDUCATION**

Mayor and Council read the following Proclamation into the record.

**PROCLAMATION**

**WHEREAS**, Steven Wolock, lovingly referred to as “*River*,” served the City of Lambertville for fourteen years on the School Board of the Lambertville Public School, and

**WHEREAS**, Steve is married to Barbara and is the father of Alison and Timothy, and

**WHEREAS**, Mr. Wolock is a 1984 graduate of Rutgers, the State University of New Jersey in New Brunswick, and a 1974 graduate of the University of Colorado at Boulder, and

**WHEREAS**, he is the owner of River Graphics, a local Graphic Design and Web Design Company which serves New York, New Jersey, Philadelphia and Washington, DC region, and

**WHEREAS**, as the President of the Lambertville Board of Education, he was very instrumental in the formation of the South Hunterdon Renewable Energy Cooperative, and

**WHEREAS**, his many contributions to the students attending the Lambertville Public Elementary School through his work on the school board are celebrated daily in each student’s success.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Steven Wolock be congratulated on a job well done and wished much success with all of his future endeavors.

**ADOPTED:** May 16, 2011

Council President Stegman made a motion to approve the Proclamation honoring Steve Wolock for his years of service on the Lambertville Public School Board. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked Steve Wolock if he would like to comment. He thanked Mayor and Council for the recognition.

**RESOLUTIONS.**

**CONSENT AGENDA:** (*PROVIDES RAPID RESPONSE TO ITEMS WHICH DO NOT REQUIRE DISCUSSION*).

The following Resolutions were approved on the consent agenda:

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 4**

Resolution Number 83-2011: Special Item of Revenue for the Clean Communities Grant – 2011 in the amount of \$7,451.97.

*City of Lambertville*  
*Resolution 83-2011*  
*A Special Item of Revenue*

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Lambertville has received notice of an award of \$7,451.97 from the State of New Jersey, Special Legislative Grant and wishes to amend its 2011 Budget to include this amount as revenue.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$7,451.97.

Which is now available as revenue from:

Miscellaneous Revenues:  
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services: State and Federal Revenues Off-set with

Appropriations:  
State of New Jersey – Clean Communities Grant – 2011

BE IT FURTHER RESOLVED that the sum of .....\$7,451.97 be and the same is hereby appropriated under the caption of:

General Appropriations:  
(a) Operations Excluded from CAPS  
State and Federal Programs Off-set by

Revenues:  
Clean Communities – 2011

BE IT FURTHER RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

ADOPTED: May 16, 2011

Resolution Number 84-2011: A Resolution to affirm the City of Lambertville’s Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers.

**Resolution 84-2011**

*A Resolution to affirm the City of Lambertville's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers.*

**WHEREAS**, it is the policy of the City of Lambertville to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the City of Lambertville has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the City of Lambertville that:

**Section 1:** No official, employee, appointee or volunteer of the City of Lambertville by whatever title known, or any entity that is in any way a part of the Municipality shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Municipality's business or using the facilities or property of the Municipality.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Municipality to provide services that otherwise could be performed by the Municipality.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Municipality as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Mayor and Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Municipality. This communication shall include a statement from the governing body expressing its unequivocal

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 6**

commitment to enforce this resolution. This summary shall also be posted on the City of Lambertville's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the municipality in order for the public to be made aware of this policy and the Municipality's commitment to the implementation and enforcement of this policy.

ADOPTED: May 16, 2011

Resolution Number 85-2011: A Resolution Requesting the Annual Contribution from the LMUA of \$72,000.

**City of Lambertville**  
**RESOLUTION 85-2011**

*"Resolution Requesting \$72,000, from the Lambertville Municipal Authority"*

**WHEREAS**, P.L. 2204, c. 87 established a formal procedure for local authorities to transfer funds to their creating government agency; and

**WHEREAS**, the Lambertville Municipal Authority was created by the governing body of the City of Lambertville; and

**WHEREAS**, N.J.S.A., 40A:5A-12.1 in part states:

*"To the extent there is available an undesignated fund balance or unreserved retained earnings held by .... (a covered authority) ... an amount in that undesignated fund balance or unreserved retained earnings, not to exceed 5% of the annual costs of operation of the authority may be appropriated for use in the local budget of the municipal or county that created the authority unless otherwise restricted by bond covenants;" and*

**WHEREAS**, the law requires payments to the municipality shall be made no later than 30 days prior to the close of the municipality fiscal year, or anytime sooner as made by mutual agreement, and

**WHEREAS**, the City of Lambertville has anticipated the Lambertville Municipal Authority appropriation of \$72,000 as a Special Item of Revenue in the proposed 2011 municipal budget;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey does hereby request that the Lambertville Municipal Authority transfer \$72,000 to the City of Lambertville.

Adopted: May 16, 2011

Resolution Number 86-2011: A Salary and Wage Resolution for Newly Hired Staff.

**City of Lambertville**  
**Resolution Number 86-2011**  
*A Resolution Ratifying the Salary and Wage for Employees*

**WHEREAS**, this resolution is to ratify the actions of the City of Lambertville in the hiring of the bookkeeper, secretary and deputy court administrator.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 7**

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following employees were hired by the City of Lambertville:

<b>Employee</b>	<b>Hire date</b>	<b>Position</b>	<b>Salary</b>
Susan Bacorn	10/26/09	Bookkeeper	\$30,000
Jennifer Kerr	2/16/10	Secretary – Part Time	12.00/hr
Patricia Wozniak	8/18/10	Deputy Court Administrator – Part Time	\$18.00/hr

ADOPTED: May 16, 2011

Resolution Number 87-2011: a Resolution Approving the Change Order for Perry Street Reconstruction Project.

**City of Lambertville**  
**Resolution 87-2011**  
*A Resolution to Approve the Change Order for Perry Street Reconstruction Project*

WHEREAS, the City of Lambertville contracted with P.A. Contractors, Inc. for the reconstruction project of Perry Street, and

WHEREAS, T&M Associates, the City Engineer submitted a change order to fund tree removals in the amount of \$6,800 which were not part of the initial bid package, and

WHEREAS, the City Engineer has reviewed the submission, certifies this change order is not in excess of 20% of the total cost of the project, and recommends the Mayor and Council approve the change order in the amount of \$6,800.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the change order for the Perry Street Reconstruction Project in the amount of \$6,800 for P.A. Contractors, Inc. is hereby approved.

ADOPTED: May 16, 2011.

Resolution Number 88-2011: A Resolution Approving the Change Order for the Library.

**City of Lambertville**  
**Resolution 88-2011**  
*A Resolution to Approve the Change Order for the Library*

WHEREAS, the City of Lambertville contracted with Warren Heating to upgrade the heating system at the Free and Public Library located at 6 Lilly Street from electric to gas, and

WHEREAS, the contractor advised Michael Burns, Architect, the City Architect, of an issue they experienced with the installation of a line which will require the wall to be opened, and

WHEREAS, the Architect has reviewed their submission, certifies this change order is not in excess of 20% of the total cost of the project, and recommends the Mayor and Council approve the change order in the amount of \$700.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 8**

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the change order for the Library in the amount of \$700 for Warren Heating is hereby approved.

ADOPTED: May 16, 2011.

Resolution Number 90-2011: A Resolution to Refund the Homestead Rebate to Anthony Rocco for block 1048, lot 23 .

**City of Lambertville**  
**Resolution 90-2011**

*A Resolution to Approve the Homestead Rebate Reimbursement to Anthony Rocco in the amount of \$249.44 for block 1048, Lot 23*

WHEREAS, the owner of Block 1048, Lot 23, also known as 142 South Main Street, Anthony Rocco, has a credit of \$249.44 to be refunded from the Homestead Rebate. He is a 100% disabled veteran and pays no taxes, and

WHEREAS, a tax refund is due to him in the amount of \$249.44 from the second quarter taxes of 2011, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that a refund check be issued to Anthony Rocco in the amount of \$249.44. He resides at 142 South Main Street, Lambertville, NJ, 08530.

ADOPTED: May 16, 2011

Resolution Number 92-2011: A Resolution Approving the Submission of the Recycling Tonnage Grant Application and Dedication of Funds to Recycling Trust Fund.

**City of Lambertville**  
**RESOLUTION NUMBER 91-2011**

*“Submission of the Recycling Tonnage Grant Application and Dedication of Funds to Recycling Trust Fund”*

**WHEREAS** the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS** it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS** the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS** the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS** a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 9**

efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS** such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Public Works Director/Recycling Coordinator Paul A. Cronce to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ADOPTED: May 16, 2011

**PROCLAMATION**

**WHEREAS**, members of Girl Scout Troop 80400 are receiving the Gold Award for their many achievements and projects, and

**WHEREAS**, the Girl Scouts attend South Hunterdon Regional High School, a small regional high school with students who reside in the City of Lambertville, West Amwell Township and the Borough of Stockton, and

**WHEREAS**, the following students have earned the Gold Award and will be honored at a ceremony to be held in June, 2011:

**Sarah Elizabeth Baker:** Sarah implemented the SHRHS Recycles Program, a new recycling program to recycling mixed paper, plastic, aluminum, glass and tin.

**Bryanna Hartpence:** Bryanna created Homework Helper, a book review club for the new summer reading assignment. She also collected books for the local shelter and set up after school homework review days.

**Katya Kurtbek:** Katya worked with the families at the Bucks County Housing Group in Morrisville, Pennsylvania. She showed each family how to make healthy fun and affordable snacks and sent the families home with the ingredients needed to make the snacks. She held a community picnic/barbeque for the families and encourages teens to get involved in the local food bank.

**Emily Victoria Shroeter:** Emily led students in creating art, wrapping paper and cards for family members. They painted a replica of Van Gogh's *Starry Night* with each student taking turns painting sections of the artwork which were later sown together to complete one piece.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the fore mention students of Girl Scout Troop 80400 be congratulated on a job well done and wished much success with their future achievements.

ADOPTED: May 16, 2011

Council President Stegman made a motion to approve the resolutions and proclamations on the consent agenda as submitted. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

**ORDINANCES – FIRST READING AND INTRODUCTION.**

ORDINANCE 11-2011: An Ordinance to Establish an Off Street Handicapped Parking Space At City Hall for Visitors, with a 2 hour duration for parking.

Mayor DelVecchio informed the members of the public that Ordinance 11-2011 is to establish the handicapped parking space by the elevator entrance at City Hall for visitors utilizing 18 York Street.

**City of Lambertville**

Ordinance Number 11-2011

*An Ordinance to Amend Chapter VIII, Municipal Parking Areas and Metered Parking, Article I, Parking Lots, Section 8-2 York Street Lot.*

Add Section 8-2.6 HANDICAPPED PARKING

The renovations of City Hall and the addition of the elevator made the building ADA accessible. The addition of one Handicapped Parking Space has been added to the York Street parking lot by the elevator shaft entrance. This space shall be limited for use by those visiting to 18 York Street, seven days per week, Sunday through Saturday, from 9 am to 9 pm. The time limit per vehicle shall not exceed 2 hours.

INTRODUCED: May 16, 2011

Councilwoman Asaro made a motion to introduce Ordinance 11-2011 for handicapped parking at City Hall. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED. The PUBLIC HEARING is scheduled for June 20, 2011.

ORDINANCE 12-2011: An Ordinance to Amend Ordinance 2010-10, Chapter 11, Sanitation, repealing the section which applies to fees.

Mayor DelVecchio informed the members of the public that Ordinance Number 12-2011 is to repeal the garbage and recycling fee introduced and adopted in 2010. The referendum question on the ballot of the April 27, 2011 election was passed by the voters of the City of Lambertville. The fee will be put back into the tax base.

**ORDINANCE 12-2011**

*An Ordinance to Amend Chapter XII, Sanitation*

WHEREAS, the voters of the City of Lambertville supported the referendum to exceed the levy cap, and by doing so, supported to put the garbage and recycling collection fee back into the tax base, and

WHEREAS, Ordinance 2010-10, established the fee, and

WHEREAS, approximately 115 property owners did not pay the fees for 2010 and their property will be subject to a lien for nonpayment, and

WHEREAS, by repealing this section of the ordinances, does not eliminate the need from the 115 property owners to pay the outstanding balances due for the 2010 fees.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that the fees established in 2010, are hereby eliminated starting with the 2011 calendar year.

BE IT FURTHER RESOLVED that the Clerk's Office will work with the Tax Collector in the collection of fees due for garbage and recycling for the calendar year of 2010.

**12-4.2 Fee Schedule Established repealed.**

- a. The fees for collection and disposal services in excess of four (4) bags shall be established by resolution annually for the public's convenience in disposing of items which are not included in the weekly collection. The Public Works Director in conjunction with the Mayor shall submit a list of recommended items which will be approved by resolution of the Governing Body annually.
- b. All additional service shall be arranged through the City Clerk's Office with payment prior to the service being provided.
- c. A tag for additional service will be provided by the City Clerk's Office upon payment for the services listed in paragraph a. and shall be affixed to the item when it is placed at the curbside. (Ord. #89-23, paragraphs 1-3)
- d. Annually, the City of Lambertville may conduct a Sparkle Week and may collect additional fees by permit. The rate will be established based on the current rate paid by tonnage, set and approved by Resolution of Mayor and Council with input from the Public Works Director and City Clerk.

Introduced: May 16, 2011

Council President Stegman made a motion to introduce Ordinance 12-2011, an ordinance to amend Chapter XII, Sanitation, removing the garbage and recycling fee. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED. The Public Hearing is scheduled for June 20, 2011.

**ORDINANCE 13-2011:** A Bond Ordinance in the amount of \$45,000 to fund the purchase of a SUV for the police department.

Mayor DelVecchio informed the members of the public that this ordinance is to fund the purchase of a SUV for the police department.

**City of Lambertville**  
**Ordinance 13-2011**

**A Bond Ordinance to Fund the Purchase of a SUV for the Police Department**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A SPORTS UTILITY VEHICLE FOR THE POLICE DEPARTMENT IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$45,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$42,750 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 12**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$45,000, including the sum of \$2,250 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$42,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a sports utility vehicle with camera and related equipment for the Police Department, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$42,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 13**

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Re: CITY OF LAMBERTVILLE  
\$45,000/\$42,750 BOND ORDINANCE  
THE ACQUISITION OF A SPORTS UTILITY VEHICLE FOR THE POLICE  
DEPARTMENT

21 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Clerk's office as well as in Trenton.

22 Down Payment Certificate.

23 Certified copy of the minutes of the meeting of the City Council held on \_\_\_/\_\_\_/\_\_\_ showing introduction of the ordinance.

24 Affidavit of Publication in local newspaper following introduction of the ordinance.

25 Certified copy of the minutes of the meeting of the City Council held on \_\_\_/\_\_\_/\_\_\_ showing public hearing and final adoption of the ordinance.

26 Affidavit of Publication in local newspaper following final adoption of the ordinance.

27 Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

\*\*\*\*\*

BELOW FOR McMANIMON & SCOTLAND, L.L.C. USE ONLY

Posted: \_\_\_/\_\_\_/\_\_\_ Useful Life: 5 years

Reviewed By: \_\_\_\_\_

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 14**

§20 Costs: \$4,500

Mayor's Approval: \_\_\_/\_\_\_/\_\_\_

Amends/Amended By: Ord. # \_\_\_\_\_ F/A: \_\_\_/\_\_\_/\_\_\_  
 Amendment: \_\_\_\_\_

Supplements/Supplemented By: Ord. # \_\_\_\_\_ F/A: \_\_\_/\_\_\_/\_\_\_  
 Original Appropriation/Authorization: \$ \_\_\_\_\_/\$ \_\_\_\_\_

Authorization for CFO to Sell Notes:  Yes  No  
 Resolution Authorizing CFO to Sell Notes: F/A \_\_\_/\_\_\_/\_\_\_

Grant Moneys Expected: N/A

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NOTES/BONDS ISSUED HEREUNDER						
AMOUNT	DATE	MATURITY	RATE	PAYDOWN	NEW/ RENEWAL	REMAINING AUTHOR- IZATION

Council President Stegman made a motion to introduce Ordinance 13-2011 on first reading, to fund the purchase of a SUV for the Police Department. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED. The public hearing is scheduled for June 20, 2011.

**ORDINANCES – SECOND READING AND PUBLIC HEARING.**

ORDINANCE 07-2011: *A Bond Ordinance in the Amount of \$120,000 to Amend City hall Reconstruction and re-introduce Bond Ordinance 2010-24 to fund the upgrades of all City owned property, computers, commercial grade trash cans for the public right of way for the Central Business District, and any other item which is required for maintenance of public buildings.*

Mayor DelVecchio opened the public hearing on Ordinance 07-2011 and informed the members of the public that this ordinance is to amend the ordinance adopted in 2010 for maintenance on

public buildings, computers and equipment, and is being amended to include commercial grade trash receptacles for the Central Business District.

**City of Lambertville**  
**Ordinance 07-2011**

BOND ORDINANCE AMENDING BOND ORDINANCE  
 #2010-24 OF THE CITY OF LAMBERTVILLE, IN THE  
 COUNTY OF HUNTERDON, NEW JERSEY FINALLY  
 ADOPTED SEPTEMBER 20, 2010 IN ORDER TO AMEND  
 THE DESCRIPTION OF THE PROJECTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$120,000, including the aggregate sum of \$6,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$114,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
a) Capital maintenance and improvements to various City owned buildings, including but not limited to roofs for the public works garage and historic jail structure and capital repairs and maintenance to the police headquarters, including all work and materials necessary therefor and incidental thereto.	\$53,100	\$50,445	15 years

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 16**

	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
b) Upgrades and replacement of computer equipment in various City offices, including all related costs and expenditures incidental thereto.	\$11,650	\$11,070	5 years
c) Upgrades/support services to City's communication and computer infrastructure including all related costs and expenditures incidental thereto	\$12,750	\$12,110	5 years
d) Upgrades and conversions for heating systems at City buildings, including but not limited to City Hall and Library, including all work and materials necessary therefor and incidental thereto.	\$28,500	\$27,075	25 Years
e) The purchase and installation of commercial grade trash disposal containers in City pedestrian rights of way		\$14,000	\$13,300 5 Years
TOTALS	\$120,000	\$114,000	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 17**

provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the City may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 16.5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Acting City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$114,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8 Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9 The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Re: CITY OF LAMBERTVILLE  
\$120,000/\$114,000 BOND ORDINANCE

VARIOUS CAPITAL IMPROVEMENTS

- 21 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Acting City Clerk's office as well as in Trenton.
  
- 22 Down Payment Certificate.
  
- 23 Certified copy of the minutes of the meeting of the City Council held on \_\_\_/\_\_\_/\_\_\_ showing introduction of the ordinance.
  
- 24 Affidavit of Publication in local newspaper following introduction of the ordinance.
  
- 25 Certified copy of the minutes of the meeting of the City Council held on \_\_\_/\_\_\_/\_\_\_ showing public hearing and final adoption of the ordinance.
  
- 26 Affidavit of Publication in local newspaper following final adoption of the ordinance.
  
- 27 Acting City Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

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BELOW FOR McMANIMON & SCOTLAND, L.L.C. USE ONLY

Posted: \_\_\_/\_\_\_/\_\_\_ Useful Life: 16.5 years Reviewed By: \_\_\_\_\_

§20 Costs: \$20,000 Mayor's Approval: \_\_\_/\_\_\_/\_\_\_

Amends/Amended By: Ord. # \_\_\_\_\_ F/A: \_\_\_/\_\_\_/\_\_\_

Amendment: \_\_\_\_\_

Supplements/Supplemented By: Ord. # \_\_\_\_\_ F/A: \_\_\_/\_\_\_/\_\_\_

Original Appropriation/Authorization: \$ \_\_\_\_\_/\$ \_\_\_\_\_

Authorization for CFO to Sell Notes:  Yes  No

Resolution Authorizing CFO to Sell Notes: F/A \_\_\_/\_\_\_/\_\_\_

Grant Moneys Expected: N/A

NOTES/BONDS ISSUED HEREUNDER						
AMOUNT	DATE	MATURITY	RATE	PAYDOWN	NEW/ RENEWAL	REMAINING AUTHOR- IZATION

Mayor DelVecchio asked for comments from the public.

There were no comments from the public.

Mayor DelVecchio asked for a motion to close the public hearing.

**MOTION TO CLOSE THE PUBLIC HEARING:**

Councilwoman Asaro made a motion to close the public hearing on Ordinance 07-2011. Councilwoman Warner seconded the motion . An affirmative roll call vote in favor of the motion was taken by all members present. **MOTION CARRIED.**

Mayor DelVecchio asked for a motion on second reading and final approval of Ordinance 07-2011.

**MOTION ON SECOND READING AND FINAL APPROVAL:**

Councilwoman Asaro made a motion to approve on second reading and final approval of Ordinance 07-2011. Council President seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

**ORDINANCE 08-2011: *An Ordinance to Amend the Revised General Ordinances, Chapter 8: Parking Areas and Metered Parking, Section 8-161.***

Mayor DelVecchio opened the public hearing on Ordinance 08-2011 to revise Chapter 8, Parking Areas and Metered Parking. He informed the members of the public that this ordinance would amend the parking meters to allow for nickels, dimes and quarters and would remove the three

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 20**

parking spaces allotted for Dr. Martinez in the North Union Street Parking Lot. The City funded upgrades to the meters from mechanical to digital, will reduce the number of meter poles by half, and will add decorative sleeves, like what is currently on Lambert Lane.

**City of Lambertville**  
**Ordinance 08-2011**

*An Ordinance to Amend the Revised General Ordinances, Chapter 8: Parking Areas and Metered Parking, Section 8-16.1.*

**Section 8-16 INSTALLATION OF PARKING METERS**

**Section 8-16.1 CITY TO INSTALL**

The City shall install parking meters in the parking meter zones as provided in this article immediately adjacent to each designated parking space. The meters are digital and will accept any combination of nickels, dimes and quarters. A vehicle may lawfully park in such parking meter zones for a period of 3 minutes for a fee of five cents or a nickel, 6 minutes for a fee of ten cents or a dime, or 15 minutes for a fee of twenty-five cents or a quarter of United States currency.

**Section 8-23 NORTH UNION STREET LOT**

Section 8-23.2 Hours of Parking, Time Limit. Motor vehicles may park in the lot between the hours of 9:00 a.m. and 9 p.m., Monday through Saturday, and from 1:00 p.m. to 9 p.m. on Sunday.

<u>Name of Zone</u>	<u>Time Limit</u>	<u>Side</u>	<u>Location</u>
North Union Street Lot	Up to 12 hours	East	Midway between Bridge Street And Church Street

There shall be unlimited parking at all other times. There will be no parking in the lot when snow covered.

8-23.3 Definition of Authorized Vehicles (*removes the parking spaces previously designated for Dr. Martinez and his customers*).

- a. This section is hereby repealed.
- b. This section is hereby repealed.

INTRODUCED: April 20, 2011

PUBLIC HEARING AND FINAL ADOPTION: May 16, 2011

Mayor DeVecchio asked for comments from the public.

Amy Coss said she applauded the efforts of Mayor and Council with making the meters more customer friendly, however she has a concern for the raise in meter fees. This increase will put the Central Business District at a disadvantage and it is already hard to compete with internet shopping. People choose to drive to Home Depot rather than put a quarter in the meter to visit Finkels.

Holly Havens of NT Calloway Realtors said she seconds Amy's comments.

A member from the public stated that she is almost happy to find a parking meter and the time is an issue as well.

Jeff Kline asked if they would be new meters. The Mayor explained the City adopted an ordinance to fund upgrades to the meters. They will not be smart meters, but will be digital. This ordinance will help fund the cost of the upgrade.

Heather Caroline of Missing Pieces asked if there was a plan to check the meters on a regular basis to ensure they were functioning properly. Mayor DelVecchio commented that this is why we funded the upgrades. The Police Director and Public Works Director said they would continue to check the meters on a regular basis.

A resident asked if the Mayor and Council would consider converting the tickets to envelopes so people could either mail or drop their payment in a box.

Councilwoman Warner asked why the fees were structured that way. The Public Works Director and Police Director advised that the meters aren't smart enough to handle the fees any other way.

Since there were no additional comments, Mayor DelVecchio asked for a motion to close the public hearing.

**MOTION TO CLOSE THE PUBLIC HEARING:**

Council President Stegman made a motion to close the public hearing on Ordinance 08-2011. Councilwoman Warner seconded the motion . An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion on second reading and final approval of Ordinance 08-2011.

**MOTION ON SECOND READING AND FINAL APPROVAL:**

Councilwoman Asaro made a motion to approve on second reading and final approval of Ordinance 08-2011. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

*Ordinance 09-2011: An Ordinance to Amend Chapter XIV, Streets and Sidewalks, Section 14-1, Street Openings, to include a procedure for approval of all applications and require a performance and maintenance bond on applications for street opening for road ways which have been reconstructed within the past five years.*

**City of Lambertville**

**Ordinance 09-2011**

*An Ordinance to Amend Chapter XIV, Streets and Sidewalks, Section 14-1, Street Openings*

**CHAPTER XIV**  
**STREETS AND SIDEWALKS**

**14-1 STREET OPENINGS.\***

**14-1.1 Permit Required for Street Opening.** It shall be unlawful for any person to make any opening through or under the surface of any public City street or right-of-way for any purpose whatsoever without first obtaining a permit from the City. This includes construction of new sidewalks as well as openings in the cartway. (Ord. 2000-17, paragraph 14.1)

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 22**

**14-1.2 Application.** An application for the permit shall be made in writing to the Director of Public Works and shall be forwarded to and filed with the City Clerk. The application, accompanied by a plot plan, diagram or drawing, shall set forth the exact location, nature and extent of the opening to be made together with a statement of the purpose or purposes thereof. The drawing shall be drawn to scale. (Ord. 2000-17, paragraph 14.2). The Public Works Director shall respond within 48 hours to the Office of the City Clerk advising of his approval and/or requirements of all applications.

**14-1.3 Fees.**

- a. The application shall be accompanied by a fee of thirty (\$30.00) dollars.
- b. If the application is for a project costing in excess of fifteen thousand (\$15,000.00) dollars then the application shall include an escrow agreement, a preliminary fee of one thousand (\$1,000.00) dollars to cover costs to review and inspect the project by the City Engineer and a performance bond in the amount of ten (10%) percent of the costs as certified by the City Engineer based on documentation submitted by the applicant. Twenty (20%) percent of the bond shall be in cash. (Ord. 2000-17, paragraph 14.3)
- c. If the application is for a project on a street that was the subject of a reconstruction project within the past five years, the applicant shall, in addition to complying with all requirements of the City Engineer and Public Works Director, post a maintenance bond guaranteeing the work for a period of two years.

**14-1.4 Discharge of Bond.** When the Public Works Director is satisfied that the street opened has been replaced in the same or as good condition as it was before the opening, on the account of which the bond was given, the Director shall direct the City Clerk to cancel or discharge the bond.

If the Public Works Director finds that the street has not been replaced in the same or as good condition as it was before the opening, the Director shall give notice to the applicant to correct same within thirty (30) days. If the applicant fails to correct same within thirty (30) days, the cash bond shall be utilized by the Public Works Department to correct the same. In the event of a corporate bond, the City Clerk shall be authorized to take the necessary steps to collect payment from the bonding company. (Ord. 2000-17, paragraph 14.4)

Introduced: April 20, 2011

Adopted: May 16, 2011

Mayor DelVecchio asked for comments from the public.

The Public Works Director explained that this ordinance would require a maintenance bond and compliance with certain requirements for the opening of streets which were recently improved.

There being no additional questions or comments from the public, Mayor DelVecchio asked for a motion to close the public hearing.

**MOTION TO CLOSE THE PUBLIC HEARING:**

Council President Stegman made a motion to close the public hearing on Ordinance 09-2011. Councilwoman Warner seconded the motion . An affirmative roll call vote in favor of the motion was taken by all members present. **MOTION CARRIED.**

Mayor DelVecchio asked for a motion on second reading and final approval of Ordinance 09-2011.

**MOTION ON SECOND READING AND FINAL APPROVAL:**

Councilwoman Asaro made a motion to approve on second reading and final approval of Ordinance 09-2011. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **CORRESPONDENCE.**

J.B. KLINE & SON'S GALLERY: Request to close Kline's Court between Bridge and Ferry Street on Friday, June 3, 2011 from 5 – 9 pm for a small outdoor music event. Mr. Kline is willing to pay for the loss in revenue from the meters.

Mayor DelVecchio asked Mr. Kline if he would contact the property owners on Kline's Court and along Ferry street to advise of his plan. He said he would.

Council President Stegman asked if Mr. Kline would coordinate this with the Friends of the Lambertville Library's event and hold it on the off week. Mr. Kline said he and Matt Simon would work with the Friends to coordinate the event.

Councilwoman Warner made a motion to approve Mr. Kline's request for either June 3 or 10, whichever date did not conflict with the Artists Visions event. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

EMILY ARONSON: Letter to Mayor and Council about the turn around on Ely Field by North Franklin Street, Christmas trees and storage of equipment.

SOURLANDS JOURNAL, Spring 2011 Edition is on file at the Clerk's Office.

S. MICHAEL E. SULLIVAN: request for a block party on North Union Street north of Cherry Street on Saturday, June 4, 2011. There is no rain date.

Council President Stegman made a motion to approve the request of Mr. Sullivan for the North Union Street Block party scheduled for June 4, 2011. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

WEST AMWELL TOWNSHIP: An Ordinance to amend Chapter 109 of the Code of the Township of West Amwell, Amount of Fees and Escrow Deposits Due.

HUNTERDON COUNTY UTILITIES AUTHORITY: Public Notice to Amend Solid Waste Management Plan.

BUCKS COUNTY PLANNING COMMISSION: Comprehensive Plan of New Hope Borough.

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS: Resolution supporting the repeal of Global Warming Response Act (2007).

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDER: Resolution supporting Early Intervention Week.

Councilman Sanders arrived.

Resolution Number 89-2011: A Resolution Certifying the Tax Levy for South Hunterdon Regional High School's defeated budget for 2011-2012.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 24**

Mayor DelVecchio addressed the members of the public regarding the resolution for the defeated school board budget of South Hunterdon Regional High School. He said the sub committee groups of each municipality met and agreed to the following: there would be no cuts in program, the original tax levy of \$7,929,856 would be reduced by \$117,190 and the recommended line items to be cut include: Salaries - \$25,000, bank fees - \$13,000, asbestos abatement - \$30,000, custodial services - \$12,000 and administrative - \$37,190.

Janine MacGregor of Lambertville asked about the cuts in the program. She asked if there was any way to know what would be cut from the program at South. Councilwoman Warner explained that the municipalities make a recommendation to the district. The district is not obligated to accept it and can make the cut any way they choose.

Steve Wolock of Lambertville asked if South was recommending cutting a program. Mayor DelVecchio said that the Governing Bodies had to make a finding by May 19. The board has the right to accept or reject and appeal to the County Supervisor.

Lisa Levine of Stockton commented that Mayor and Council didn't have to make any cuts to the budget. South's budget was under the 2% CAP imposed by Governor Christie. This cut will impact the budget in subsequent years. Mayor DelVecchio stated that Ms. Levine was making the argument two weeks too late. This needed to be addressed prior to the election and to the voters, not after the fact to Mayor and Council.

Joe Donnelly of Delaware Avenue in Lambertville asked that Mayor and Council not cut the budget. He had two children attending South and would like to see the budget stay without cuts.

David Vandergrift from Stockton asked what percentage the City of Lambertville's budget increased. The Mayor commented by 23.58% which was ratified by the voters. Mr. Vandergrift commented that the school kept their budget under the 2% CAP and asked the Mayor and Council to show leadership and not make any cuts to the budget.

Carin Franzini of South Union Street in Lambertville stated that she agreed with Lisa's comments and said the decrease going forward would hurt the school. She has a senior at the school and is proud of the acceptance of colleges. It has taken a long time for this to happen. Ms. Franzini stated that she pays extra for sports, and field trips. The decreasing revenue is an issue and she asked Mayor and Council to consider no cuts. Mayor DelVecchio said this was the lowest of the past three years cut from the budget. In 2009, the Governing Bodies cut \$401,000, in 2010 they cut \$228,000, and this year is significantly less. Carin stated she is worried that it will result in a programmatic cut and that the asbestos abatement has to get fixed at the school. Marie Collins, a board member, stated they would take the money from Capital and the asbestos abatement would get resolved but through another budget item. She informed the members of the public that South was originally ready to cut \$80,000 from the budget without a compromise to programs. Mayor DelVecchio stated that Administrative Cuts are not cuts to programs. Marie stated it was a leadership position which is a detriment to all programs. Mayor DelVecchio asked where the \$100,000 compromise came from. Dan Seiter, a resident and School Board member stated that it was offered in hopes of extraordinary aid. Councilman Sanders asked about the \$30,000 from 2010. Marie Collins explained that in the past the school incorrectly completed their special education forms and they were due those funds. Usually State Aid numbers are out in October.

Marie Collins stated in 2012 the school will benefit from the solar project through the SHREC, and School Choice. Councilwoman Warner asked Marie to clarify the school year. Marie stated it was 2012/2013.

Karen Conlon, a resident of Lambertville stated that she has been a resident since 1986. Ten years ago, the school did not have a good reputation. As a community they focused on the middle and high school. The administration is better. They elect people to represent them, to do the right thing and they expect you are doing the right thing. The Municipal Work Group has cut \$735,000 from the budget. The parents pay for sports, clubs - everything. The budget lost by 100 votes and she stated that other municipalities have left the budget in tact and asked Mayor and Council to do the same with this budget.

Erin Auletta, a teacher, parent, resident and Clinton Township Teacher addressed Mayor and Council. She said we are getting there and are more competitive. She has a son in Kindergarten and blamed the negative voice in the community for the failed budget.

Donna Murphy a resident of South Union Street said she has had a positive experience at South and is pleading to Mayor and Council to leave the budget flat. The softball team had to raise funds to purchase uniforms. When a budget is defeated, it becomes personal. The school is a gem and she is concerned for the atmosphere.

Janine MacGregor stated that she agrees with everyone. The people who do not have kids in the school should be worried about their property values. The Administrative Team at South has turned things around. They have separated the middle school and earned Middle States Accreditation.

Mayor DelVecchio stated that elections matter. People are held accountable for the results.

Lisa from Stockton said that Stockton School's budget failed and they approved it without a cut.

Mayor DelVecchio commented that you have to listen to the voters.

Dan Seiter, a school board member and resident of Lambertville said this was a vicious cycle. Mayor DelVecchio assured the members of the public that they hate being in this position more than you do. Mr. Seiter commented that the voters made the decision and they could be here next year too. He added that the voters are selecting board members too. They had an opportunity to switch and did not run a candidate.

Mayor DelVecchio commended Dan Seiter and Steve Wolock for their commitment to the South Hunterdon Renewable Energy Cooperative, through which South will benefit from \$80 – 90,000 in energy savings in 2012. He asked Councilwoman Warner if she would like to comment.

Councilwoman Warner stated that it was her intent to vote no for the budget cuts, but not because she feels the municipalities are requesting a budget cut that is unreasonable during the current economic climate. "I believe it is the district's responsibility to educate it's constituency regarding the content of the budget to galvanize support to get their budget passed. The budget prepared by South Hunterdon for 2011/2012 school year was under cap and as such should have been well received by the voters with appropriate efforts put forth by the board of education and administration. I cannot overlook that this is the fourth defeated budget in a row with no opposition on the ballot for incumbent school board members seeking re-election. I cannot continue to draft cuts to the school budget every year when no one is willing to put in the time

and effort to run for the Board of Education and become directly involved in bringing about the change they seem to desire. I initially ran for the board at Lambertville Public School because I was dissatisfied with the decisions being made by the board. As a parent attending board meetings I could voice an opinion and share my concerns, but I had no vote. As a member of the board I was able to slowly effect change and over the course of my eight years of service there was a complete turnover of the board of education, resulting in a board with a shared vision and highly effective leadership. A board that was able to balance the educational needs of the district and its fiscal responsibility to the taxpayer. I am of the opinion that change comes from within and it is not sufficient to stand on the sidelines and make demands or demean the efforts of others when they do not immediately follow your advice. I also feel it is inappropriate to continue to look to the governing bodies of the municipalities to address dissatisfaction with the school expenses through failed budgets. The City Council was not elected to run the school districts nor do they have the expertise to do so. In conclusion, while I recognize that what the municipalities are requesting of the district is a flat budget, until there is opposition on the ballot and candidates willing to give their time to the district, make difficult decisions and be accountable for those decisions, I am compelled to vote no.”

Steve Wolock of Clinton Street, said he wholeheartedly agrees with Elaine. He said they need to run someone, positive constructive change. The Council still has room, and he suggested they split the difference. Mayor DelVecchio stated they would be negotiating against themselves.

Mary Jane Legere, a teacher of LPS and resident of Lambertville said it was a joy for her to see the changes at South Hunterdon. She and the teachers at LPS stand in support of SHRHS. She is pleased with the board and said Mayor and Council had the power to make decisions.

Marie Collins of South Hunterdon’s Board asked Mayor and Council to not make any cuts to South’s budget. The board worked after the election up to the meeting on suggesting cuts and came up with \$80,000.

Cheryl Carpenter of Jean Street and a school board member became emotional and said this sends a message that it will keep happening. They had a late retiree, capital reserve, and said that they worked hard on the budget to find \$80,000 to cut.

Howard Young of West Amwell is a realtor in Princeton. SHRHS is ranking in the New Jersey Monthly magazine and has slipped from number 58 to 74.

Julie Prew of West Amwell asked Mayor and Council not to cut the budget and said West Amwell looks to Lambertville for leadership. Mayor DelVecchio commented that they didn’t for the police department.

Mayor DelVecchio asked the Council what they wanted to do. He informed the public that Elaine is probably the most qualified to look at the school budget and she reviewed it and he asked her if \$117,190 was excessive. She said she reviewed it line by line and didn’t find anything extraordinary in increases. It was under the 2% cap and doesn’t sound like a lot of money. In this budget every dollar counts.

Elaine asked what the process was. Mayor DelVecchio commented that if they weren’t in agreement it went to the County Superintendent for his review and approval.

Councilman Sanders commented that this is the hardest meeting of every year. He is part of the Work Group and appreciates the volunteers who serve. He is appreciative the board members who receive the same salary as Mayor and Council. He commented that \$117,190 cut on a \$8 million dollar budget isn't a lot to ask. In year 1, Mayor and Council cut \$55,000, an error that the former clerk, Lori Buckelew, found in benefits. His opinion is that \$117,190 out of \$8,000,000 is sufficient.

Councilwoman Asaro said that two years ago she voted no to cuts. She has also been involved in the Work Group. She agrees with Elaine that the nay sayers should run for office. She is comfortable with the original \$80,000 and this is a nod to the voters who voted against the budget.

Council President Stegman commented on the Joint Meeting with South Hunterdon Regional High School. It was very positive and he felt they were making some good changes. This is not an easy spot to be in but the majority voted against the budget. South has to get out the vote. The public isn't hearing about the good things that are going on at South.

Mayor DelVecchio commented that he resents being in this position and being made to look like the bad guy. By doing nothing, you are saying the election didn't matter. If they didn't agree with the other municipalities, it will go to the County Superintendent and the result could be worse.

Mayor DelVecchio asked for a motion on the Resolution to cut \$117,190 from the budget in the following areas: Salaries - \$25,000, Bank Fees - \$13,000, Asbestos Abatement - \$30,000, Custodial Services - \$12,000, Administrative - \$37,190.

**City of Lambertville**  
**RESOLUTION 89-2011**

*An resolution Certifying the General Fund Tax Levy for the South Hunterdon Regional High School for the School Year 2011-2012, By the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey*

WHEREAS, the voters of the City of Lambertville in a duly held election, did fail to approve the General Fund Tax Levy Budget of the Board of Education of South Hunterdon Regional High School for the school year 2011-2012; and

WHEREAS, the Education, Budget and Appropriation Law, N.J.S.A. 28a 22-37, requires the Governing Body of the City of Lambertville, after consultation with the South Hunterdon Regional Board of Education, to determine the amount which is necessary to be appropriated in such budget and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, the Governing Body of the City of Lambertville consulted with representatives of the South Hunterdon Regional Board of Education on Tuesday, May 10, 2011, and has thereafter determined the amount necessary to be appropriated;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, that the following determination is hereby made:

- |  |             |
|--|-------------|
| 1. The original tax levy on the ballot for the base budget     | \$7,929,856 |
| 2. The amount of reduction to the tax levy for the base budget | \$ 117,190  |
| 3. The amount of tax levy being certified for the base budget: | \$7,812,666 |

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 28**

4. Specific line items reductions:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>
a.	Salaries	25,000
b.	Bank Fees	13,000
c.	Asbestos Abatement	30,000
d.	Custodial Services	12,000
e.	Administrative	37,190

5. Supporting reasons for reduction: Based on a review of all data provided by the Board of Education, meetings with representatives of the Board of Education, numerous public hearings and consideration of the public need, it has been determined that the reductions set forth herein can be effectuated without a reduction in programs or negatively impacting upon the education of the students.

- a. A review of the overall budget of \$10,096,116 reflects the recommended reduction of \$117,190 is just over a 1% reduction (1.16%) cut in the levy.
- b. All three municipalities strongly support the reduction in administrative line items causing the reduction in staffing in the secretarial positions, facility manager position and/or any other area in the Administrative offices.
- c. All three municipalities did not support a cut in programming, specifically the Agricultural program for the following reasons:
  - i. It would negatively impact the education offered to the students currently attending South Hunterdon Regional High School,
  - ii. It would negatively impact the School Choice program South Hunterdon Regional High School enrolled in and would not attract the students needed to support the ten million dollar budget which would lower the cost per pupil,
  - iii. For cultural reasons, it would negatively impact the three sending districts as farming is part of their heritage and considered to be a legacy for the students,
  - iv. There are other ways for the school board to reduce the budget by \$37,190 by reducing the staff of the Administrative line item which would not negatively impact the education of the students attending South Hunterdon Regional High School.

6. The revised budget is sufficient to provide a thorough and efficient education with all of the supporting reasons listed in paragraph five (5), items i through iv.

- a. A reduction in support staff or administrative staffing will not impact the level of education offered to the students attending South Hunterdon Regional High School.
- b. Since 2008, the City of Lambertville has reduced staffing to meet the budgetary needs of the community without impacting the level of services offered to the community in the following ways:
  - i. Reduction of 1 full time staff member in Public Works,
  - ii. Reduction of 1 part time staff member in the Clerk's Office,
  - iii. Reduction of 1 part time staff member in the Police Department Administrative Staffing,

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 29**

- iv. Reduction of 1 part time staff member in the Court,
  - v. Reduction of 1 full time Police Officer.
7. There was an additional general fund tax levy considered by the voters to fund a formal feasibility study to examine whether there are educational benefits to the students and/or financial savings to the taxpayers by creating a South Hunterdon pre-k through 12<sup>th</sup> grade all purpose school district. This question was approved by the voters with 429 yes votes and 340 no votes and will not result in a permanent increase in the district's tax levy.
8. The implementation and continuation of the following is vital to the community:
- a. South Hunterdon Regional High School Work Group – a group of elected officials and community members organized to help guide the high school in the preparation of their budget and programs and review the procurement practices.
  - b. Completion of the Feasibility Study ratified by the voters on April 27, 2011.
  - c. Review and implementation of the Special Needs Audit/Assessment completed in December of 2010.
  - d. Holding regularly scheduled meetings in the home town of the sending districts in order to offer accessibility to the voters of each community.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the South Hunterdon Regional Board of Education, Superintendent of Hunterdon County Department of Education, and the administrator of the Hunterdon County Board of Taxation.

Council President Stegman made a motion to approve the \$117,190 cuts in the defeated budget of South Hunterdon. Councilman Sanders seconded the motion. A roll call vote of nays and one aye was taken. MOTION FAILED.

Roll Call Vote:

Ayes: Mayor DelVecchio

Nays: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman

Abstain: None.

Absent: None.

Mayor and Council were encouraged by the members of the public to not make cuts to the budget or to consider the request of the board of \$80,000. Discussion ensued.

Mayor DelVecchio stated he would like to see the requirement of an extended election.

Mayor DelVecchio asked for a motion on the defeated budget. Councilman Sanders made a motion to cut \$100,000 from the defeated budget in the following areas: Salaries - \$25,000, Bank Fees - \$13,000, Asbestos Abatement - \$30,000, Custodial Services - \$12,000, Administrative - \$20,000, and including the requirements as outlined in the resolution.

**City of Lambertville**

**RESOLUTION 89-2011**

*An resolution Certifying the General Fund Tax Levy for the South Hunterdon Regional High School for the School Year 2011-2012, By the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey*

WHEREAS, the voters of the City of Lambertville in a duly held election, did fail to approve the General Fund Tax Levy Budget of the Board of Education of South Hunterdon Regional High School for the school year 2011-2012; and

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 30**

WHEREAS, the Education, Budget and Appropriation Law, N.J.S.A. 28a 22-37, requires the Governing Body of the City of Lambertville, after consultation with the South Hunterdon Regional Board of Education, to determine the amount which is necessary to be appropriated in such budget and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, the Governing Body of the City of Lambertville consulted with representatives of the South Hunterdon Regional Board of Education on Tuesday, May 10, 2011, and has thereafter determined the amount necessary to be appropriated;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, that the following determination is hereby made:

- 9. The original tax levy on the ballot for the base budget \$7,929,856
- 10. The amount of reduction to the tax levy for the base budget \$ 100,000
- 11. The amount of tax levy being certified for the base budget: \$7,829,856
- 12. Specific line items reductions:

Account Number	Description	Amount
a.	Salaries	25,000
b.	Bank Fees	13,000
c.	Asbestos Abatement	30,000
d.	Custodial Services	12,000
e.	Administrative	20,000

- 13. Supporting reasons for reduction: Based on a review of all data provided by the Board of Education, meetings with representatives of the Board of Education, numerous public hearings and consideration of the public need, it has been determined that the reductions set forth herein can be effectuated without a reduction in programs or negatively impacting upon the education of the students.
  - a. A review of the overall budget of \$10,096,116 reflects the recommended reduction of \$100,000 is just over a 1% reduction (1.26%) cut in the levy.
  - b. All three municipalities strongly support the reduction in administrative line items causing the reduction in staffing in the secretarial positions, facility manager position and/or any other area in the Administrative offices.
  - c. All three municipalities did not support a cut in programming, specifically the Agricultural program for the following reasons:
    - i. It would negatively impact the education offered to the students currently attending South Hunterdon Regional High School,
    - ii. It would negatively impact the School Choice program South Hunterdon Regional High School enrolled in and would not attract the students needed to support the ten million dollar budget which would lower the cost per pupil,
    - iii. For cultural reasons, it would negatively impact the three sending districts as farming is part of their heritage and considered to be a legacy for the students,

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 31**

- iv. There are other ways for the school board to reduce the budget by \$37,190 by reducing the staff of the Administrative line item which would not negatively impact the education of the students attending South Hunterdon Regional High School.
14. The revised budget is sufficient to provide a thorough and efficient education with all of the supporting reasons listed in paragraph five (5), items i through iv.
  - a. A reduction in support staff or administrative staffing will not impact the level of education offered to the students attending South Hunterdon Regional High School.
  - b. Since 2008, the City of Lambertville has reduced staffing to meet the budgetary needs of the community without impacting the level of services offered to the community in the following ways:
    - i. Reduction of 1 full time staff member in Public Works,
    - ii. Reduction of 1 part time staff member in the Clerk's Office,
    - iii. Reduction of 1 part time staff member in the Police Department Administrative Staffing,
    - iv. Reduction of 1 part time staff member in the Court,
    - v. Reduction of 1 full time Police Officer.
15. There was an additional general fund tax levy considered by the voters to fund a formal feasibility study to examine whether there are educational benefits to the students and/or financial savings to the taxpayers by creating a South Hunterdon pre-k through 12<sup>th</sup> grade all purpose school district. This question was approved by the voters with 429 yes votes and 340 no votes and will not result in a permanent increase in the district's tax levy.
16. The implementation and continuation of the following is vital to the community:
  - a. South Hunterdon Regional High School Work Group – a group of elected officials and community members organized to help guide the high school in the preparation of their budget and programs and review the procurement practices.
  - b. Completion of the Feasibility Study ratified by the voters on April 27, 2011.
  - c. Review and implementation of the Special Needs Audit/Assessment completed in December of 2010.
  - d. Holding regularly scheduled meetings in the home town of the sending districts in order to offer accessibility to the voters of each community.
  - e. Hold the annual school board election during the hours of 7 AM and 9 PM.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the South Hunterdon Regional Board of Education, Superintendent of Hunterdon County Department of Education, and the administrator of the Hunterdon County Board of Taxation.

ADOPTED: May 16, 2011

Council President Stegman seconded the motion. A roll call vote was taken with three ayes and two nays. MOTION CARRIED.

Roll Call Vote:

Ayes: Councilman Sanders, Council President Stegman, Mayor DelVecchio

Nays: Councilwoman Asaro, Councilwoman Warner

Abstain: None.

Absent: None.

## **UNFINISHED BUSINESS.**

Update on various construction improvement projects.

Bike and Ped Grants: the project has been completed. The Public Works Director will see that Mr. Fireman is notified.

City Hall: punch list items are in the process of being resolved.

LMUA Construction Update: the project is almost complete and will be done in the summer.

Construction:

South Franklin Traffic Calming: the four planters need to be installed.

North Union Street – Phase 2: met with residents. We are waiting for the schedule from the City Engineer.

Delevan Street & McCrearys Alley: the project is substantially complete. The Public Works Director will do a walk through and devise a punch list.

Perry Street: the project is underway. The residents will be notified of the deadline of Friday, May 20.

South Franklin & Weeden Streets Drainage Engineering: the City Engineer is doing the fly over for the topo.

Update on projects for flood relief.

Swan Creek: The City Engineer spoke with Sarah Steward of Congressman Holt's Office.

Ely Creek: an easement is in process with CA Niece.

Miscellaneous – nothing to report.

Update on various non-construction projects.

Shared Services – nothing to report.

South County Renewable Energy Coop – will meet on May 23<sup>rd</sup>.

RFP for Film Series – nothing to report.

Work Group on SHRHS: Councilman Sanders reported that the group needs to come up with a new meeting schedule.

Committee on Snow Removal – nothing to report.

Committee on Garbage and Recycling – April 27<sup>th</sup> referendum passed. Nothing to report.

## **NEW BUSINESS.**

APPOINTMENTS – nothing to report.

- i. Planning Board.
- ii. Cable Television Advisory Board.
- iii. Lambertville Municipal Utilities Authority.

**ORDINANCE 14-2011: An Ordinance to Amend Chapter 10, Construction Fees**

Mayor DelVecchio informed the members of the public that Ordinance 14-2011 is to amend Chapter 10, on Construction fees. He noted that Ken Rogers was present to discuss this ordinance. This Ordinance will amend our fees and bring this section of the Official Code Book into line with the fees assessed by the State of New Jersey.

**City of Lambertville**  
**Ordinance 14-2011**

An Ordinance to Amend Chapter 10, Fees for Construction Permits

10-1.3 Fees for a Construction Permit.

- a. *Fees.* The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in paragraphs 1(a) through 6(d) hereof and shall be paid prior to the issuance of a permit. Twenty (20%) percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is non-refundable.

1. *Building Subcode Fees.*

- (a) Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of \$0.050 per cubic foot, except that agricultural structures on farms shall be in the amount of \$0.010.
- (b) Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on site work for pre-manufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. The township reserves the right to adjust the cost of work based on actual contract prices or current market price evaluation based on common estimating practices, an architect or engineer's cost estimate, or actual third party estimates. The cost shall include all labor and material (including bartered, donated, free, etc. labor and/or materials)

This fee shall be as follows:

\$32.00 per \$1,000.00 of estimated cost of work up to \$50,000.00 of estimated cost of construction;

\$28.00 per \$1,000.00 for estimated cost of work from \$50,001.00 to \$100,000.00 estimated cost of construction; and

\$24.00 per \$1,000.00 for additional costs over \$100,000.00 estimated cost of construction.

- (c) The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be .020 per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$75.00.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 34**

- (d) Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
  - (e) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with paragraphs (a) and (b) above.
  - (f) The fee for construction or installation of a single family residential in-ground swimming pool shall be \$150.00. The fee for construction or installation of all other use group in-ground swimming pools shall be \$200.00. The fee for aboveground pools shall be \$40.00.
  - (g) (reserved)
  - (h) The fee for construction or installation of retaining walls shall be as follows:
    - (1) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be \$100.00.
    - (2) The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be \$200.00.
    - (3) The fee for all other retaining walls shall be based on the cost of work as follows:
      - \$18.00 per \$1,000.00 of estimated cost of work up to \$50,000.00.
      - \$14.00 per \$1,000.00 of estimated cost of work from \$50,001.00 to \$100,000.00.
      - \$10.00 per \$1,000.00 of estimated cost of work over \$100,000.00.
  - (i) The fee for the construction of a new deck shall be \$0.80 per square foot with the minimum fee of \$120.00.
  - (j) The installation of sheds under 200 square feet shall be \$100.00. The installation of sheds over 200 square feet shall be a minimum of \$150.00
  - (k) The fee for a residential roof or siding replacement shall be \$65.00 and for commercial roof or siding replacement shall be based on the cost of work.
  - (l) (reserved)
  - (m) The minimum fee for the building technical section shall be \$50.00.
2. *Plumbing Subcode Fees.*
- (a) The fee shall be in the amount of \$22.00 per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, etc., except as listed below in 2(b) and (c).
  - (b) The fee for domestic hot water heater replacement fee shall be \$75.00.
  - (c) The fee for special devices shall be \$90.00 for the following: grease traps, oil separators, water-cooled air-conditioning units, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps.
  - (d) The minimum fee for the plumbing technical section shall be \$50.00.
3. *Electrical Subcode Fees.*
- (a) For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of \$65.00; for each additional device, receptacle or fixture in addition to this, the fee shall

be in the amount of \$0.50 per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than 8 foot in height, communication points, alarm devices, and other panels or devices rated less than 20 amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt.

- (b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, transformers and generators greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be \$18.00.
- (c) For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, transformers and generators greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be \$35.00.
- (d) For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, transformers and generators greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be \$75.00.
- (e) For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be \$135.00.
- (f) For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 100 kilowatts or kva, the fee shall be \$600.00.
- (g) Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.
- (h) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated up to 100 amps the fee shall be \$50.00.
- (i) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be \$100.00.
- (j) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be \$250.00.
- (k) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be \$600.00.
- (l) For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in 1 and 2 family dwellings; utility load management devices; lighting standards over 8 foot the fee shall be \$50.00.
- (m) For inground pools the fee shall be \$200.00.
- (n) For spas, hot tubs, or fountains the fee shall be \$100.00.
- (o) For storable or portable pools the fee shall be \$50.00.
- (p) The minimum fee for the electrical technical section shall be \$50.00.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 36**

4. *Fire Subcode Fee.*

- (a) The fee for sprinkler systems shall be \$85.00 for up to 12 heads;  
For 13 to and including 40 heads the fee shall be \$150.00;  
For 41 to and including 100 heads the fee shall be \$250.00; and  
For all heads over 100 the fee shall be \$2.00 per head.
- (b) The fee for each standpipe shall be \$325.00.
- (c) The fee for each independent pre-engineered suppression system shall be \$175.00.
- (d) The fee for each gas or oil-fired appliance shall be \$60.00
- (e) The fee for each kitchen exhaust system shall be \$190.00.
- (f) The fee for spray booths exhaust system shall be \$150.00.
- (g) The fee for a wood/coal burning stove, fire place inserts, pre-fab or masonry fireplace shall be \$60.00.
- (h) The fee for Dry pipe, Pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be \$95.00 for up to 12 alarms;  
Each device over 12 shall be \$7.00 each
- (i) The fee for R3, R4 and R5 fire alarm systems shall be \$75.00.
- (j) The fee for fire pumps shall be \$300.00 each.
- (k) The fee for incinerators shall be \$300.00 each.
- (l) The fee for crematoriums shall be \$300.00 each.
- (m) The fee for unit heaters shall be \$25.00 each.
- (n) The fee for exit-egress lighting shall be \$5.00 each.
- (o) The fee for chimney relining shall be \$65.00.
- (p) The minimum fee for any work requiring plan review which is not listed or itemized above, i.e., fire separation, emergency lighting, flame spread and smoke ratings, etc., shall be \$65.00
- (q) The fee for a fire sprinkler water storage tank shall be \$200.00.
- (r) The minimum fee for plan review for residential shall be \$50.00 and for commercial shall be \$75.00
- (r) The minimum fee for the fire technical section shall be \$50.00.

5. *Certificates and Other Special Fees.*

- (a) The fees for certificates shall be as follows:
  - (1) Certificate of occupancy, residential (single family) is \$120.00, except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is \$35.00.
  - (2) Certificate of occupancy, other than single family is \$180.00.
  - (3) Certificate of occupancy for changes in use group is \$180.00.
  - (4) Certificate of approval, no fee.

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 37**

- (5) Continued certificate of occupancy is \$180.00 per unit or tenant space.
  - (6) Temporary certificate of occupancy, renewal fee is half of the certificate fee.
  - (7) Certificate of Compliance for equipment listed in NJAC 5:23-2.23(1) such as, but not limited to, backflow preventers, high pressure boilers, pool bonding, etc is \$85.00 for the first device and \$25.00 for each additional related device in the same building or structure.
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- (b) The fee for a demolition and/or removal permit of a building or structure shall be \$95.00 for Class 3 residential and \$180.00 for all other use groups, provided that the fee shall be \$50.00 for structures under 400 square feet in area.
  - (c) The fee for removal or abandonment of underground storage tanks shall be \$85.00 each for tanks up to 1,000 gallons and \$150.00 each for tanks over 1,001 gallons.
  - (d) The fee to construct or erect a sign shall be \$2.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$50.00.
  - (e) The fee for the installation of under or above ground fuel storage tanks up to 550 gallons shall be \$60.00. For tanks 551 to 1,000 gallons shall be \$125.00. For tanks over 1,001 gallons, the fee shall be \$250.00.
  - (f) The fee for asbestos or lead abatement projects shall be as follows:
    - (1) The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9
    - (2) The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9
    - (3) The fee for a permit for lead hazard abatement projects shall be \$190.00.
    - (4) The fee for a lead abatement clearance certificate shall be \$35.00.
  - (g) The fee for a variation request application shall be \$75.00 for Class 3 residential and; \$200.00 for Class 3 other than residential and Class 2 and; \$750.00 for Class 1 buildings. The fee for resubmission of an application for a variation shall be one half (1/2) of the original fee if required by the Construction Official.
  - (h) The fee for an application for the construction board of appeals shall be \$100.00.
  - (i) A fee of \$110.00 per hour may be charged for review of any amendment or change to a plan that has already been released.
  - (j) The fee for a zoning permit is \$35.00.
  - (k) The fee for a Flood Development Permit shall be \$125.00 plus any applicable City engineering review costs, if required by the City Engineer.
  - (l) The fee to reinstate a lapsed permit shall be fifty (50%) percent of the initial permit fee provided such application is made within one (1) year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be one hundred (100%) percent.
  - (m) The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who

**City of Lambertville**  
**Regularly Scheduled Session**  
**May 16, 2011, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
**Page 38**

are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing).

Fees shall be as follows:

- (1) One (1) through twenty-five (25) workers (including foreman or forewoman), \$1000.00 per worker; each additional worker over twenty-five (25), \$350.00 per worker.
- (2) Prior to the issuance of the annual permit a training registration fee of \$176.00 per subcode shall be submitted by the applicant and shall be forwarded by the Construction Official to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

6. *Exempt Fees.*

- (a) No fees other than those charged by a third party on-site agency to perform its subcode official responsibilities, shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.
- (b) Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduce fees or be exempt from construction permit fees as authorized by City Counsel on an individual basis, except for the State Training Fee.
- (c) Pursuant to N.J.S.A. 52:27D-126e and N.J.S.A. 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure for any of the facilities contained therein. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For purposes of this subsection, the term "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to Federal Social Security Act (42 U.S.C. §416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. §231, et seq.), or is rated as having a sixty (60%) percent disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this paragraph, the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/200 or less.
- (d) Outside agency fees. Notwithstanding any other fee hereinafter set forth, when the township has retained a private on-site inspection or plan review agency to carry out subcode official responsibility no fee charged shall exceed the amount paid by the Township to that private agency plus thirty (30%) percent.

Councilwoman Asaro made a motion to introduce on first reading Ordinance 14-2011, amending Chapter 10, Construction Fees. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED. The public hearing is scheduled for June 20, 2011.

**ANNOUNCEMENTS.**

FREE RABIES CLINIC: Saturday, September 17, 2011 from 1 – 3 pm.

PARKING SPACES available for lease at the Justice Center.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

**ADJOURNMENT.**

The meeting adjourned at 9:20 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Warner. An affirmative voice vote was taken by all members present. MOTION CARRIED.

Respectfully submitted,

*Cynthia L. Ege*

Cynthia L. Ege  
CMR, RMC, Acting City Clerk

*Approved at the regularly scheduled session of Mayor and Council held on June 20, 2011.*