

City of Lambertville
Regularly Scheduled Session of Mayor and Council
Monday, June 20, 2011, 6:30 PM
Justice Center, 25 South Union Street, Lambertville
MINUTES

Mayor DelVecchio called the meeting to order at 6:30 p.m. with a statement of compliance with the Open Public Meetings Act, with an annual notice placed in the January 13, 2011 issue of the Beacon, meeting notice sent via email on Thursday, June 16, 2011 to the Beacon, the Democrat, the Times, the Heralds, and assorted individuals, posted to the website at www.lambertvillenj.org, and on the bulletin board at City Hall.

ROLL CALL.

Present: Councilwoman Asaro – arrived at 6:55 p.m., Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

RESOLUTION TO GO INTO CLOSED SESSION.

RESOLUTION

“Authorizing a Closed Session at the June 20, 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 June 20, 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: Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 6:31 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 7 p.m.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

Mayor DelVecchio asked the members of the public to remain standing for the Moment of Silence. Mrs. Ege led the public in a Moment of Silence in honor of those serving their country in the United States Armed Forces.

APPROVAL OF MINUTES.

Council President Stegman made a motion to approve the following set of minutes as submitted/amended: May 16, 2011 Regular Session Minutes, May 16, 2011 Closed Session

Minutes, and the May 20, 2011 Special Joint Session Minutes. Councilwoman Warner seconded the motion. An affirmative 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 for the month of May, which include: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk, 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 in favor of the motion was taken by all members present. MOTION CARRIED.

APPROVAL OF BILLS LIST.

Council President Stegman made a motion to approve the bills on the bills list. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

RESOLUTIONS.

CONSENT AGENDA:

The following resolutions were pulled from the consent agenda for future consideration:

Resolution 108-2011: A Resolution Awarding the Contract to Strober-Wright Roofing – action later.

Resolution Number 99-2011: A Resolution supporting the Statewide Ban on Natural Gas development involving Hydraulic fracturing to prevent and avoid degradation of the water resources and ecosystems of the Delaware River Watershed – no action. Councilman Sanders requested additional information.

City of Lambertville

RESOLUTION NUMBER 99-2011

“A Resolution Supporting the Statewide Ban on Natural Gas development involving Hydraulic fracturing to prevent and avoid degradation of the water resources and ecosystems of the Delaware River Watershed”

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River supplied drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including the City of Lambertville, approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River – the entire 197 mile River from Hancock, New York to Trenton, New Jersey – as Special Protection Waters due

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to the exceptional water quality and “exceptionally high scenic, recreational, ecological, and/or water supply values” of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be “no measurable change in existing water quality except towards natural conditions” requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations, and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly onto or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing Stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, the City of Lambertville has declared that the Delaware River will be significantly impacted with a long term affect on many of the valued traditions and the cultural heritage celebrated by the community which include:

- the 100 year old tradition of fishing for Shad,
- tourism: Shad Festival and the Winter Festival,
- recreational activities celebrated on the river and
- will overall negatively impact the communities residing on the river as well as those who depend on the river for drinking water; and

WHEREAS, the wise stewardship of the City of Lambertville's natural resources involves protection of the City of Lambertville's water supplies and water resources for generations to come; and

WHEREAS, protection of the City of Lambertville's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;

NOW THEREFORE BE IT RESOLVED that on the twentieth day of June, 2011, the City of Lambertville supports strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

BE IT RESOLVED that the City of Lambertville supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and

BE IT RESOLVED that the City of Lambertville calls on our Congressional Representative and U.S. Senators to join Senator Lautenberg, Congressman Pallone and Congressman Holt in co-sponsoring H.R. 1084/S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

PASSED, APPROVED, AND EFFECTIVE on this 20th day of June, 2011.

The following resolutions were approved as part of the consent agenda:

Resolution Number 92-2011: Appointing Diane Sherry Buono as Acting CFO retroactive to June 1, 2011.

City of Lambertville
Resolution Number 92-2011

"Appointing Diane Buono as Acting Chief Financial Officer"

WHEREAS, N.J.S.A. 40A:9-140.10 requires that each municipality appoint a Chief Financial Officer; and

WHEREAS, the appointment shall be for a one (1) year term;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville hereby appoints Diane Buono as the part-time Chief Financial Officer and Director of Finance effective June 1, 2011.

BE IT FURTHER RESOLVED that the appointment shall be from June 1, 2011 to May 31, 2012.

BE IT FURTHER RESOLVED that Diane Buono will be paid an annual salary of \$36,000, with an increase to \$41,000 when she receives her certification from the State of New Jersey as the Chief Municipal Financial Officer.

ADOPTED: June 20, 2011

Resolution Number 95-2011: Appointing Cynthia Ege as the City Clerk.

City of Lambertville
RESOLUTION NUMBER 95-2011
“Appointing Cynthia Ege as City Clerk and City Registrar”

WHEREAS, N.J.S.A. 40A:9-133.1 requires that each municipality appoint a Municipal Clerk; and

WHEREAS, on August 31, 2009, Cynthia L. Ege was appointed as the Acting City Clerk for the City of Lambertville, and

WHEREAS, Cynthia has attended and successfully completed the following required courses with Rutgers Continuing Studies, Center for Government Services: Introduction to the Duties of the Municipal Clerk (grade 92%), Information and Records Management (grade 99%), Local Elections Administration (grade 100%), Municipal Finance Administration (grade 91%) and Advanced Duties of the Municipal Clerk (grade 100%), and

WHEREAS, Cynthia has successfully completed the mandatory requirements and is the Certified Municipal Registrar for the City of Lambertville, and

WHEREAS, Mrs. Ege passed the examination for Registered Municipal Clerk given on Tuesday, April 12, 2011 with a grade of 86%.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville hereby appoint Cynthia Ege as the City Clerk and Municipal Registrar effective July 1, 2011.

1. The appointment shall be from July 1, 2011 to June 30, 2014.
2. Annual salary shall be \$68,000.00.
3. Cynthia Ege will be entitled to 15 sick days per year. A credit for 5 unused days shall accrue from one year to the next; however, Cynthia Ege will not be entitled for any payment of unused sick days upon retirement.
4. Cynthia Ege will be entitled to 15 vacation days per year. Credit for unused days shall accrue from one year to the next.
5. Cynthia Ege shall not be subject to furloughs.

ADOPTED: June 20, 2011

Resolution Number 96-2011: A Resolution appointing Matthew Tyler Bast as Part Time Parking Enforcement Officer at a salary of \$12 per hour.

City of Lambertville
RESOLUTION NUMBER 96-2011

“Appointing Matthew Tyler Bast as Part Time Parking Enforcement Officer”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville hereby appoint Matthew Tyler Bast as the Part Time Parking Enforcement Officer at a salary of \$12 per hour effective May 23, 2011.

ADOPTED: June 20, 2011

Resolution Number 97-2011: A Resolution Authorizing the issuance of the Alcoholic Beverage Control Licenses.

City of Lambertville
RESOLUTION NUMBER 97-2011

“Annual Renewal of Alcoholic Beverage Control Licenses for 2011-2012”

WHEREAS, application has been received from the following establishments for renewal of the Alcoholic Beverage License currently held by them for premises located in the City of Lambertville, New Jersey:

Establishment	License Number	Type
Boat House Inc. The	1017-32-006-003	Plenary Retail Consumption License with Broad Package Privilege
BPO Elks No 1070	1017-31-015-001	Club License
De Annas of Lambertville LLC	1017-33-003-003	Plenary Retail Consumption License
ETZ Food Inc.	1017-33-002-006	Plenary Retail Consumption License
Lambertville Operating Partnership LLC AKA: Lambertville House	1017-33-008-007	Plenary Retail Consumption License
Masset Group Inc.	1017-33-005-008	Plenary Retail Consumption License
Mitchell’s Café Inc.	1017-33-004-004	Plenary Retail Consumption License
Schermerhorn Jeffrey F.	1017-44-011-004	Plenary Retail Distribution License
Swan Hotel The	1017-33-009-002	Plenary Retail Consumption License
Targa Investments	1017-33-007-003	Plenary Retail Consumption License
Toscanni Post 120 American Legion	1017-31-012-001	Club License
Walker’s Wine & Spirits, Inc.	1017-44-010-005	Plenary Retail Distribution License

WHEREAS, Stephen Williamson has filed a renewal for license number 1017-33-001-005 for a Plenary Retail Consumption License and is required to apply for a 12:39 Ruling, and Mr. Williamson is actively looking for a site for a Restaurant and/or Bar within the City limits, and

WHEREAS, each application is complete and accompanied by the required fees, affidavits and Clearance certificates from the New Jersey Division of Taxation; and

WHEREAS, no written objection to the renewal of these licenses was received by the Acting City Clerk; and

WHEREAS, the Lambertville Police Department, after conducting an inspection of each establishment, found each to be in compliance with the required licensing and posting documentation requirements and recommend approval; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the above licenses be renewed for the 2011-2012 license year and that the Acting City Clerk be directed to forward a certified copy of this Resolution and the renewal applications to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and

BE IT FURTHER RESOLVED that the City Clerk be authorized to issue the 2011-2012 license to the proper holder prior to the effective date of June 30, 2011.

ADOPTED: June 20, 2011

Resolution Number 98-2011: A Resolution Authorizing the Salaries for the Frenchtown Interlocal Agreement.

City of Lambertville
RESOLUTION NUMBER 98-2011

“A Resolution Authorizing the Salaries for Frenchtown Inter Local Agreement”

WHEREAS, the City of Lambertville entered into an inter local agreement with Frenchtown Borough on September 1, 2010 for Construction Services, and

WHEREAS, the revenues received from January through April 2011, minus DCA fees total \$10,091.60, and

WHEREAS, in accordance with the agreement with Frenchtown, \$200 is due and payable to Frenchtown, and

WHEREAS, the Acting CFO has reviewed and certified the numbers submitted by the Control Person are in agreement with the accounting of the Finance Department, and

WHEREAS, the following is the payment schedule due and payable to sub code officials for the time spent on the inter local agreement with Frenchtown Borough:

Plumbing Sub Code Official, Timothy Dieterman \$600.00

Construction Official, Kenneth Rogers \$3,427.05

WHEREAS, Dan Longo, the Electrical Sub Code Official was hired and compensated through payroll an hourly salary his time totaling \$918.75.

BE IT FURTHER RESOLVED by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey, that the Salaries for the Frenchtown Inter Local Agreement are hereby approved for payment for the period of time covering January 1 through April 30, 2011.

BE IT FURTHER RESOLVED, the \$200 due and payable to Frenchtown Borough in accordance with the inter local agreement is here by approved for payment.

ADOPTED: June 20, 2011

Resolution Number 100-2011: A Resolution Authorizing the Raffle License Application filed by the American Legion starting August 1, 2011 and ending July 31, 2012, for a game tab.

City of Lambertville
Resolution 100-2011

“A Resolution Approving the Application for a Raffle License for the American Legion Toscani Post #120, Inc.”

WHEREAS, the City of Lambertville received an application for a raffle license from the American Legion Toscani Post # 120, Inc., on Tuesday, May 31, 2011, and

WHEREAS, the raffle license is for Game Tab LTD and will cover the period of time starting August 1, 2011 and ending July 31, 2012, and

WHEREAS, a review of the application found registration identification number 244-8-38659 pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration, and

WHEREAS, John Shurts - the Commander, William Corboy – board member, and John Ahern – Member in Charge completed the application and have successfully completed the finger printing process, and

WHEREAS, a copy of this application was forwarded to the Police Director for his review and investigation on May 31, 2011. A formal report from the Police Department was received on June 20, 2011 at which time the Determination of Findings was completed by the Acting City Clerk.

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 raffle application submitted by the American Legion Toscani Post #120, Inc., for the Game Tab LTD covering the period of time beginning on August 1, 2011 and ending July 31, 2011 is hereby approved for submission to Legalized Games of Chance Control Commission.

BE IT FURTHER RESOLVED that if a Do Not Issue Notice is not received within fifteen days of the date of submission to the Legalized Games of Chance Control Commission, a license will be issued to the American Legion Toscani Post#120, Inc.

ADOPTED: June 20, 2011

Resolution Number 101-2011: Accepting the Resignation of Paul Cronce as Director of Public Works effective July 31, 2011.

City of Lambertville
Resolution 101-2011

A Resolution to Accept the Resignation of the Public Works Director

WHEREAS, Paul Cronce submitted his letter of resignation from the position of Director of Public Works effective August 1, 2011, and

WHEREAS, Paul has accumulated sick and vacation time and his last day in the office is July 15, 2011.

NOW THERE FORE 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 resignation of Paul Cronce is accepted effective August 1, 2011.

ADOPTED: June 20, 2011

Resolution Number 102-2011: Accepting the Resignation of Bonnie Eick as Tax Collector effective August 31, 2011.

City of Lambertville
Resolution 102-2011

A Resolution to Accept the Resignation of the Tax Collector

WHEREAS, on May 18, 2011, Bonnie Eick, the Tax Collector for the City of Lambertville submitted her letter of resignation effective September 1, 2011, and

WHEREAS, Mrs. Eick has been employed by the City of Lambertville since December 1, 1990, and has accumulated vacation and sick time, and her last day at work will be July 31, 2011.

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 accept the resignation of the Tax Collector, Bonnie Eick, effective September 1, 2011.

ADOPTED: June 20, 2011

Resolution Number 103-2011: A Resolution Authorizing the Raffle License application filed by the Lambertville Public School PTA for July 10, 2011.

City of Lambertville
Resolution 103-2011

“A Resolution Approving the Application for a Raffle License for the Lambertville Public School PTA”

WHEREAS, the City of Lambertville received an application for a raffle license from the Lambertville Public School PTA, on Monday, June 6, 2011, and

WHEREAS, the raffle license is for on premise draw which will be conducted on July 10, 2011, and

WHEREAS, a review of the application found registration identification number 244-5-39016 pursuant to N.J.S.A. 5:8-6, a Legalized Games of Chance Control Commission Registration, and

WHEREAS, Christine Miller - President, Estelle Marchasin – Vice President, Jennifer Duggan - Co-Vice President, Jackie Middleton – Treasurer, Tammy Kendig – Secretary and Jennifer Duggan – Member in Charge completed the application and have successfully completed the finger printing process, and

WHEREAS, a copy of this application was forwarded to the Police Director for his review and investigation on June 6, 2011. A formal report from the Police Department was received on June 20, 2011 at which time the Determination of Findings was completed by the Acting City Clerk.

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 raffle application submitted by the Lambertville Public School PTA, for an on premise draw scheduled for July 10, 2011 is hereby approved for submission to Legalized Games of Chance Control Commission.

BE IT FURTHER RESOLVED that if a Do Not Issue Notice is not received within fifteen days of the date of submission to the Legalized Games of Chance Control Commission, a license will be issued to the Lambertville Public School PTA.

ADOPTED: June 20, 2011

Resolution Number 104-2011: A Resolution Appointing Stanley Troy as the Public Defender for the City of Lambertville to fill an unexpired term ending December 31, 2011.

City of Lambertville

Resolution 104-2011

A Resolution to Appoint Stanley Troy as the Public Defender to fill an Unexpired Term ending December 31, 2011

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 Stanley Troy is hereby appointed to fill the unexpired term for Public Defender at an amount not to exceed \$3,541.61 annually or \$416.66 per month.

ADOPTED: June 20, 2011

Resolution Number 105-2011: A Resolution to Amend the Personnel Handbook for the City of Lambertville (adding policies for: Bulletin Board Policy, Driver's License Policy, Employee Complaint Policy, Employee Discipline Policy, Open Public Meetings Act Procedure Concerning Personnel Matters Policy, Political Activity Policy, Work Force Reduction Policy).

City of Lambertville

Resolution 105-2011

Resolution Number 105-2011: A Resolution to Amend the Personnel Handbook for the City of Lambertville (adding policies for: Bulletin Board Policy, Driver's License Policy, Employee Complaint Policy, Employee Discipline Policy, Open Public Meetings Act Procedure Concerning Personnel Matters Policy, Political Activity Policy, Work Force Reduction Policy).

NOW THEREFORE BE IT RESOLVED by Mayor and Council that the following policies be added to the Personnel Handbook of the City of Lambertville:

- Bulletin Board Policy
- Driver's License Policy
- Employee Complaint Policy
- Employee Discipline Policy
- Open Public Meetings Act Procedure Concerning Personnel Matters Policy
- Political Activity Policy
- Work Force Reduction Policy

A copy of the policies is attached to this resolution.

ADOPTED: June 20, 2011

Resolution Number 106-2011: A Resolution to Authorize the Cooperative Purchase of Snow and Ice Control Materials for 2011-2012 Winter Season.

City of Lambertville

RESOLUTION NUMBER 106-2011

“Authorizing Participation in the Hunterdon County Cooperative Purchasing of Snow and Ice Control Materials”

BE IT RESOLVED, that the Mayor and City Council of the City of Lambertville authorize Paul Cronce, Director of Public Works to participate in the Hunterdon County Cooperative Purchase for the 2011-2012 winter season for snow and ice control materials.

ADOPTED: June 20, 2011

Resolution Number 107-2011: A Resolution to Amend the Cleaning Contract with Advance Building Maintenance, adding an additional day for the Police Department.

City of Lambertville
Resolution 107-2011
A Resolution to Amend the Cleaning Contract with Advance Building Maintenance

WHEREAS, The City of Lambertville entered into a contract with Advance Building Maintenance on February 1, 2011 for cleaning services, and

WHEREAS, as a cost saving measure, the police department’s cleaning schedule was reduced by one day, and

WHEREAS, the facility is in need of cleaning on three days a week.

NOW THEREFOR 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 cleaning contract with Advance Building Maintenance be amended to include the cleaning of the police department three times per week at a rate of \$121,50 per week, or \$40.50 per day.

ADOPTED: June 20, 2011

Resolution 109-2011: A Resolution on the Appointment of the Fire Subcode Official

City of Lambertville
Resolution 109-2011
A Resolution Accepting the Resignation of Rank N. D’Amore, Jr. and Appointing Ken Rogers as the Fire Sub-Code Official

WHEREAS, Frank N. D’Amore, Jr. resigned from his position as Fire Sub-Code Official for the City of Lambertville verbally on May 9, 2011 and in writing on June 17, 2011, and

WHEREAS, Ken Rogers received his license as a Subcode Official for Fire Protection on May 4, 2011, and has been performing the duties required.

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 at the regularly scheduled Council session held on Monday, June 20, 2011, that the resignation submitted by Frank N. D’Amore, Jr. is accepted effective May 9, 2011, and

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BE IT FURTHER RESOLVED that Kenneth Rogers is hereby appointed as the Subcode Official for Fire Protection effective May 9, 2011 at an annual salary of \$5,000, which will be prorated for 2011.

ADOPTED: June 20, 2011

Proclamations – None.

MOTION ON CONSENT AGENDA:

Councilman Sanders made a motion to approve the resolutions listed on the consent agenda. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Resolution Number 108-2011: A Resolution to Award a Contract and Authorize the Mayor and City Clerk to sign for the City with Strober Roofing for the roof repair of the Police Station.

City of Lambertville
Resolution 108-2011

A Resolution to Award a Contract and Authorize the Mayor and Acting City Clerk to Sign for the City With Strober-Wright Roofing Inc. for the roof repair at the Police Station

WHEREAS, Michael Burns Architect, Inc., solicited for quotes on the City's behalf for the roof repair of the Police Station, and

WHEREAS, three quotes were submitted and they are as follows:

- Strober-Wright Roofing, Inc., in the amount of \$13,500
- JDS Industrial Roofing Contractors, in the amount of \$16,000
- Laumar Roofing Company, in the amount of \$16,300

WHEREAS, it has been determined by the Architect that the quote submitted by Strober-Wright Roofing, Inc., was the lowest responsible bid and the most advantageous, price and other factors considered.

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 Strober-Wright Roofing, Inc., is hereby awarded the contract for the roof repair of the Police Station.

BE IT FURTHER RESOVLED that the Mayor and Acting City Clerk are authorized to sign the contract for the work on behalf of the City in the amount not to exceed \$13,500.

ADOPTED: June 20, 2011

Councilman Sanders made a motion to approve Resolution 108-2011. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by Councilwoman Asaro, Councilman Sanders, Councilwoman Warner and Mayor DelVecchio. Council President Stegman abstained on the motion. MOTION CARRIED.

ORDINANCES – FIRST READING AND INTRODUCTION.

Ordinance 15-2011: An Ordinance Authorizing the Creation of a Handicapped Parking space in front of 31 Jefferson Street.

Mayor DelVecchio read Ordinance 15-2011 into the record by title. He informed the members of the public that this Ordinance is to create a handicapped parking space in front of 31 Jefferson Street. The Police Director and Public Works Director visited the location and the Police Director reported that there is a handicapped space approximately 3 houses down the street which is currently in use.

City of Lambertville
ORDINANCE 15-2011
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF
LAMBERTVILLE, 1990, CHAPTER 7: TRAFFIC

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the City of Lambertville, 1990, Chapter 7: Traffic be amended as follows:

SECTION 1: Section 7-4.7 Parking Restricted for Use by Handicapped Persons is amended by adding the following location:

To include a curb cut and handicapped parking space in front of 31 Jefferson Street.

SECTION 2: This ordinance shall take effect immediately upon adoption according to law.

Introduced: June 20, 2011
Public Hearing: July 18, 2011
Adopted:

Tim Korzun, a resident of Jefferson Street, reported that the space is located between Main and George Streets on the South side of the street. The public hearing will be held on July 18, 2011 and all facets of the request will be considered.

Mayor DelVecchio asked for a motion to introduce Ordinance 15-2011, an ordinance to create a handicapped parking space in front of 31 Jefferson Street. Council President Stegman made a motion to approve on first reading and introduction, Ordinance 15-2011. 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 July 18, 2011.

Ordinance 16-2011: An Ordinance to Amend the Steep Slope Ordinance of the City of Lambertville.

Mayor DelVecchio read Ordinance 16-2011 by title into the record. He informed the members of the public that this ordinance is to amend the Steep Slope Ordinance which was first introduced and adopted in 1994. This ordinance will address five different issues and they are as follows:

1. Variance Requirement.
2. Keep the application in front of the Planning Board as they are responsible for the master plan.

3. retain the cluster building option (Lamberts Hill).
4. There will be a bond requirement to ensure the project is completed without a detriment to the contiguous properties.
5. Impact applications for subdivision, not single family homes.

Tim Korzun, the Chairperson for the Planning Board was present. Mayor DeVecchio thanked him for the time committed to this ordinance.

City of Lambertville
Ordinance 16-2011
An Ordinance to Amend the Steep Slopes Ordinance of the City of Lambertville

WHEREAS, the Planning Board of the City of Lambertville reviewed the proposed changes to the Steep Slope Ordinance at the June 1, 2011 regularly scheduled session and unanimously voted in favor of approving the amended ordinance, and

WHEREAS, Mayor and Council of the City of Lambertville reviewed the proposed changes to the Steep Slope Ordinance at their June 20, 2011 regularly scheduled session, and

WHEREAS, neighboring municipalities and Hunterdon County Planning Board were noticed by the Clerk's Office via regular mail and certified mail on June 22, 2011, and

WHEREAS, the notice of pending ordinance was published in the June 30, 2011 issue of the Beacon, and

WHEREAS, it was the subject of a public hearing and final approval at the July 18, 2011 regularly scheduled session of Mayor and Council where it was finally adopted, and

WHEREAS, the notice of adoption was published in the _____ issue of the _____, and

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 Ordinance Number 16-2011 to amend the Steep Slope Ordinance of the Zoning Ordinances of the City of Lambertville is hereby adopted after adequate notice being provided to Hunterdon County Planning Board, Adjoining Municipalities, and to members of the public.

FIRST READING AND INTRODUCTION: JUNE 20, 2011

SECOND READING AND PUBLIC HEARING: JULY 18, 2011

ADOPTED:

NOTE: Additions indicated in boldface thus; deletion indication in italics and brackets *[thus]*

ARTICLE V ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS

§ 500 Deviations from Article V Standards and Guidelines.

Deviations from the performance and design standards of Article V shall be considered as exceptions within the meaning of N.J.S.A. 40:55D-51; provided however, that any deviation *[from Article V that is within the enumerated categories of §400.11]* from Section 519 and the subsections thereto related to steep slopes shall be considered as variances pursuant to N.J.S.A. 40:55D-60(a) and/or N.J.S.A. 40:55D-70. [Ord. 2001-07]

§ 519 Steep Slopes

519.1 PURPOSE. A significant percentage of the undeveloped land within the City of Lambertville and particularly that acreage which is east of NJ Route 29 is characterized by slopes in excess 15% (hereinafter referred to as steep slopes). The Environmental Resources Inventory, which was adopted as part of the Lambertville Master Plan on January 15, 1992 and updated on May 2008 includes a description of the environmental impacts associated with development on steep slopes and includes a map, entitled "Slopes", which depicts the areas of steep slope and their relative gradients.

Lands which slope greater than 15% are widely recognized to warrant special development standards in order to protect properties below the steep slopes from nuisances, such as stormwater flooding and slope erosion with sediment and debris deposition, to minimize the cost of public services and facilities related to new development, to preserve significant woodlands and wildlife habitat and to preserve natural visual amenities such as ridgelines and scenic vistas. The special requirements of steep slopes have been recognized by the NJ State Planning Commission, the NJ Department of Environmental Protection [*and Energy (Coastal Resources Regulations)*], the NJ Council on Affordable Housing, the NJ Department of Community Affairs (Model Subdivision and Site Plan Ordinance), the Regional Plan Association and many municipalities through local land use regulations.

It is the purpose of this section to protect the health, safety and welfare of people and property within the City of Lambertville from improper construction and site development on steep slopes and hillside areas within the City. More particularly, but without limitation, this [§] section is intended to establish performance standards and design guidelines for development to address the peculiar hazards which exist in hillside areas by reason of [to] erosion, siltation, flooding, soil slippage, surface water runoff, pollution of potable water supplies from nonpoint sources, elimination of mature woodlands and wildlife habitat and destruction of unique and predominant views.

It is a further purpose of this section to encourage the appropriate planning design and development of sites within hillside areas to permit reasonable utility of the land for its zoned use while achieving the legitimate public purposes of preservation of significant natural resources, protection of private property and efficiency of governmental operations.

519.2 APPLICABILITY. *[The provisions of this ordinance shall apply to all lots in any zone to all applications for development and improvement including subdivisions, site plans, building permits, zoning permits, conditional uses, and variances and to all site disturbance unless specifically exempted under other sections of this ordinance. For purposes of this section site disturbance shall constitute any removal of vegetative cover, clearing, grading, excavating, filling or other disruption of the natural terrain and/or vegetation on steep slopes except for activities which qualify as normal property maintenance which shall be exempt from the requirements of this section.]*

For purposes of this section normal property maintenance means activities which are typically associated with routine maintenance of the open lot areas surrounding existing houses. These activities include lawn mowing, pruning of trees and shrubs and removal of dead or diseased plant material, planting and maintenance of foundation landscaping, cultivation of existing gardens and the development of new gardens not exceeding 150 square feet in area.]

This ordinance shall be applicable to any application for development or land disturbance to steep slopes with an area of greater than 150 square feet within the City of Lambertville.

519.3 DEFINITIONS

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Redevelopment” means the construction of structures or improvements on areas which previously contained structures or other improvements.

“Steep Slopes” means any slope equal to or greater than 15 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

519.4 DESIGNATION OF AREA

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two foot rise over a 10-foot horizontal run constitutes a 20 percent slope (see Steep Slopes Illustration diagram at 519.12). Applicants shall submit a steep slope analysis to the board having jurisdiction showing slope classes: 1) 0 – 15%; 2) 15.1 – 20%; 3) 20.1 – 30%; and 4) greater than 30%, all of which shall be delineated on a plat conforming to the requirements of sections 513, 516.5, and 516.6. The analysis shall be based upon a topographic survey, prepared by a licensed NJ surveyor (PLS) or engineer (P.E.), which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.

519.5 STEEP SLOPE LIMITS

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and
2. Disturbance on areas of steep slopes shall be limited according to the following schedule:

<u>Extent of Slope</u>	<u>Maximum Extent of Disturbance of Sloped Area</u>
0 – 15%	No limit, but adhere to design guidelines
15.1 – 20%	30%
20.1 – 30%	10%
30.1 % +	No disturbance permitted

The applicant shall demonstrate through site plans to the appropriate board having jurisdiction over the development application that the proposed development and topography of the new disturbance is not located in areas with a thirty percent (30%) or greater slope and does not exceed the limit of development in subsection 519.5 above.

519.6 APPLICATIONS WHICH REQUIRE PLANNING BOARD AND/OR ZONING BOARD APPROVAL.

A. Applications for development of any lot containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 15%, 15.1% to 20%, 20.1% to 30%, and greater than 30% (see Steep Slopes Illustrations diagram at 519.12). Any application pertaining to a lot depicted with steep slopes on the Master Plan map entitled “Slopes” shall include a steep slopes analysis. The analysis shall be based upon a topographic survey, prepared by an appropriately licensed NJ professional, which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.

[The applicant may apply to the City Engineer for permission to limit the extent of the topographic survey to be submitted if, for instance, only a small portion of the lot will be impacted by the proposed improvements/site disturbance. Alternatively, the Applicant’s Engineer may certify that the proposed improvements/site disturbance is of such a de minimis extent that the existing City-wide topographic map is

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sufficient to provide adequate information for the City Engineer to review such proposed improvements/site disturbance.]

B. The [Planning Board] Board of jurisdiction, when reviewing variance applications pursuant to N.J.S.A. [40-55D-51] 40:55D-70 to the standards set forth in §519.5, as part of its consideration and determination of the statutory positive and negative criteria, shall consider the following [*may grant exceptions based upon written documentation as follows*]:

1. For applications to exceed the limits on disturbance on slopes of 15 – 20% and 20 – 30% the applicant must demonstrate that:
 - a. The site cannot be reasonably utilized for its zoned use without the requested relief;
 - b. The extent of relief is the minimum needed to permit reasonable utilization of the site;
 - c. All applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee; and,
 - d. The proposed development adheres to the design guidelines for steep slopes at the greatest practicable extent.
2. For application to disturb slopes greater than 30% the applicant must demonstrate that:
 - a. All utility of the site for its zoned use would be effectively foreclosed without the requested relief;
 - b. The extent of relief is the minimum needed to permit reasonable utilization of the site;
 - c. All applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee; and,
 - d. The proposed development adheres to the design guidelines for steep slopes at the greatest practicable extent;
 - e. For every 250 square feet of 30% or over steep slope disturbed, the maximum allowable impervious cover shall be reduced by 10%.

No variance or other relief may be granted without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance. The applicant will be required to post a bond, prior to building permit issuance, of an amount satisfactory to the board's engineer, that will be held by the City to restore and/or stabilize a site that has been disturbed and not properly stabilized for more than six months (this is not to be interpreted as replacing the timing for compliance with the Soil Erosion and Sediment Control Standards and the jurisdiction of the Hunterdon County Soil Conservation District). The bond shall not be released until the City Engineer has certified that permanent stabilization has been achieved.

C. Applications for development of any lot containing slopes in excess of 15% shall conform to the design guidelines in this section [*to the greatest practicable extent*].

519.7 EXISTING LOTS THAT DO NOT REQUIRE PLANNING BOARD OR ZONING BOARD APPROVAL AND CONTAIN SLOPES GREATER THAN 15%

A. Applications for building permits or for site disturbance on pre-existing lots containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 15%, 15.1% to 20%, 20.1% to 30%, and greater than 30% (see Steep Slopes Illustrations diagram at 519.12). Any application pertaining to a lot depicted with steep slopes on the Master Plan map entitled "Slopes" shall include a steep slopes analysis. The analysis shall be based upon a topographic survey, prepared by [*an appropriately*] a licensed NJ surveyor (PLS) or engineer (P.E.), which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.

B. The applicant may apply to the City Engineer for permission to limit the extent of the topographic survey to be submitted if, for instance, only a small portion of the lot will be impacted by the proposed improvements/site disturbance. Alternatively, the Applicant's Engineer may [*certify*] demonstrate that the proposed improvements/site disturbance is of such a de minimis extent, proven by analysis using [*that the*]existing LiDAR topographic data (New Jersey Highlands Council) [*City-wide topographic map*],is sufficient to provide adequate information for the City Engineer to review such proposed improvements/site disturbance.

C. Any application for a building improvement, either freestanding (such as a shed) or an addition to an existing structure (including decks), which involves combined building coverage and site disturbance of not more than 150 square feet in area shall be exempt from the requirements of this section, provided that the applicant has not previously applied for such exemptions within three [*one*] years of the date of application.

D. The Zoning Officer shall review and have the authority to approve applications for disturbance of slopes in connection with building permits or for site disturbance on pre-existing lots which conform to the requirements of §519.5.

[E. Exceptions to the standards may be granted by the Zoning Board of Adjustment if the applicant has satisfied the criteria set forth in §519.6B1(a)-(d) and §519.6B2(a)-(d). In evaluating the criteria for an exception, the Zoning Board shall consider whether and to what extent the disturbance on steep slopes could be reduced if the boundary lines of the subject lot were reconfigured with those of adjacent lot(s) in common ownership.

F. In case of a plan for improvements which does not comply with the standards set forth in §519.5.2, a lot grading plan which indicates the proposed driveway plan and profile, location of the residence, and any site grading necessary for the property shall be submitted for review and approved by the applicant to the City Engineer. Such plan shall provide for the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.

G. The City Engineer shall verify that the proposed residential driveway design is capable of providing access for emergency vehicles and equipment under all weather conditions.]

[H] E. Applications for site disturbance which are limited solely to removal of trees and/or vegetative cover need not include a grading plan in the submission, except for operations requiring road construction and/or heavy equipment access. [as specified in §519.7E].

519.8 CLUSTER DEVELOPMENT FOR PARCELS WITH STEEP SLOPES. Where permitted as a conditional use in the underlying zoning district, development of a lot or lots affected by steep slopes as defined herein may be approved by the Planning Board, provided the following criteria are met:

- A. The conditions for cluster residential housing shall be as follows:
1. The site shall be served by public water and sewer.

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2. A minimum of 25% of the total site area shall be constrained by steep slopes.
 3. The applicant shall submit an alternative subdivision plan meeting the design requirements of the Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) which demonstrates that the site cannot reasonably be developed with the same number of lots permitted under the conventional development of the underlying district.
- B. The maximum gross density of the development shall be based on the limitations of the underlying district.
- C. Allowable uses and housing types shall be the same as the limitations of the underlying district.
- D. The following minimum residential lot standards shall apply:
1. Minimum Lot Area: 5,000 s.f.
 2. Minimum Lot Width: 50 feet measured along the road frontage unless a curve or cul-de-sac in which case it shall be measured at the setback line.
 3. Minimum Front Setback: 25 feet measured from the front property line.
 4. Minimum Side Yard: 10 feet for detached; 15 feet for ends of attached unit buildings.
 5. Minimum Rear Yard: 25 feet.
- E. The land area that would otherwise be required for house lots but is not used by the permitted lot size reduction shall be devoted to common open space.

The cluster residential development shall be arranged to create a connected systems of common open space. The open space shall be owned and maintained by a Homeowner's Association in accordance with N.J.S.A. 40-55D-43 or dedicated to the City of Lambertville if accepted by the City Council. The open space shall be maintained and preserved in perpetuity for conservation, open space, agriculture and/or recreational uses as directed by the Planning Board. Covenants, deed restrictions, or other legal arrangements shall specify ownership of the open space; method of maintenance; responsibility for maintenance; maintenance of taxes and insurance; compulsory assessment provisions guarantees that any homeowners association formed to own and maintain open space will not be dissolved without the consent of the Planning Board; and any other specification deemed necessary by the Planning Board.

F. The open space shall be maintained in accordance with a land management plan prepared by the developer and approved by the Planning Board. The developer shall provide copies of deed covenants with prospective purchases or conservation easements with the City describing land management practices to be followed by the party or parties that are responsible for open space. Further subdivision or open space land, or its use other than agriculture, conservation and recreation shall be prohibited.

G. All other steep slope provisions set for in §519 shall apply.

519.9 DESIGN GUIDELINES FOR DEVELOPMENT ON STEEP SLOPES. Due to the environmental sensitivity of steep slopes, development of properties which contain steep slopes should be carefully designed to minimize adverse environmental impacts. Applicants proposing development on steep slopes shall conform their site design to the following guidelines to the greatest practicable extent.

A. Development on steep slopes should produce the minimum feasible site disturbance in areas of steep slope. Site improvements should be clustered on lands of relatively low slope;

- B. The development should be consistent with the natural contour of the site, and minimize grading and alterations of natural landforms. All disturbances of steep slopes shall be stabilized with temporary and permanent erosion control consistent with anticipated sunlight levels, extent and degree of disturbance, and manufacturer's criteria and methods
- C. Padding or terracing of building sites should be minimized;
- D. The development should retain natural topographic features such as drainage swales, stream beds and banks, ridge line vistas, rock outcrops and mature plant formations. Natural points of runoff discharge shall not be altered and no new locations of stormwater discharge shall be proposed. Additional volume of runoff generated shall be infiltrated to the maximum extent. Disturbed runoff paths shall receive permanent stabilization, such as with a Turf Reinforcement Mat or other substantial product acceptable to the board's engineer.
- E. The development should minimize the extent to which it impairs the visual integrity of the slopes when viewed from publicly accessible vantage points including but not limited to the developed areas of Lambertville generally west of NJ Route 29;
- F. The development should provide for [*the*] protection of maximum feasible vegetation of the steep slope; and,
- G. Mature trees should be retained and integrated into new hillside residential development. Existing live trees with a trunk diameter of at least 8 inches measured 4 feet above the grade which are located within the area of the proposed site disturbance or within any portion of the site under 30% slope within 50 feet thereof shall be located on the site survey. The removal of any such trees is prohibited unless it is specifically permitted by the [*Planning Board*] Board of jurisdiction.
- H. Exposed soils and topsoil piles should be adequately stabilized throughout construction according to regulations and best management practices established by the United States Department of Agriculture – Natural Resource Conservation Service.
- I. The scale of new buildings should be compatible with existing structures. Single story elements, setbacks, overhangs, roof pitches, and landscaping should be used to minimize the impact of exterior wall surfaces.
- J. Roofs should be fragmented to avoid a monotonous appearance while following the angle of the slope.
- K. The maximum height of a proposed building should not exceed the mid-point of the tallest building on the adjacent uphill lot.
- L. All new structures should be setback a minimum of 50 feet from a ridge top.
- M. The limits of clearing on the construction site must be tightly drawn around the area of proposed disturbance. All natural vegetation outside of this area shall be protected during construction through the placement of snow fencing at drip lines and other means of vegetative protection.

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A. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

B. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provisions of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

519.11 ENFORCEMENT, VIOLATION AND PENALTIES. A prompt investigation shall be made by the appropriate personnel (i.e. City Engineer or Zoning Officer) of the City of Lambertville, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the City of Lambertville, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separation and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

The penalties set forth in Article X "Violations", section 1000, of the Code of the City of Lambertville shall be applicable to violations of this Ordinance.

Please Note: the diagram will not copy into the minutes.

Mayor DelVecchio asked for a motion on introduction and first reading of Ordinance 16-2011. Councilman Sanders made a motion to approve on first reading and introduction, Ordinance 16, 2011 to amend the Steep Slope Ordinance. 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 July 18, 2011.

Ordinance 17-2011: An Ordinance to Amend the Salary and Wage Ordinance for the Tax Collector Position.

Mayor Del Vecchio read Ordinance 17-2011 by title into the record. He informed the members of the public that this ordinance is to amend the salary and wage ordinance for the Tax Collector, allowing for a part time salaried position, due to the resignation of Bonnie Eick. He further commented that this is one of the positions which is required to be certified and a municipality cannot hire an Acting Tax Collector. This salary ordinance will give the City flexibility with the salary level in hiring a part time Tax Collector.

City of Lambertville
Ordinance 17-2011

An Ordinance to Amend the Salary and Wage Ordinance for the Tax Collector Position.

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

SECTION ONE: The following shall be the range of compensation for the officials and employees of the City of Lambertville not covered by separate bargaining units:

Tax Collector	\$10,000 - \$43,000
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NOW THERE FORE BE IT RESOLVED that Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, by way of adoption of the Salary and Wage Ordinance for 2011, hereby authorize the Salary and Wage Ordinance for 2011.

Introduced: June 20, 2011
Public Hearing: July 18, 2011

Mayor DelVecchio asked for a motion on Ordinance 17-2011. Councilman Sanders made a motion to approve on first reading and introduction, Ordinance 17-2011. 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 July 18, 2011.

Ordinance 18-2011: An Ordinance prohibiting the underage consumption and possession of alcohol on private property.

Mayor DelVecchio informed the members of the public that this ordinance is in response to a request from the Hunterdon County Prosecutor's Office. The Police Director, Bruce Cocuzza, confirmed that the City doesn't have a problem with this; however, the ordinance would give the police the advantage of citing someone who is in violation.

City of Lambertville
Ordinance 18-2011

An Ordinance Amending and Supplementing Chapter IV – Police Regulations, Section 4, Consumption of Alcoholic Beverages To Regulate the Underage Possession or Consumption of Alcoholic Beverages on Private Property

WHEREAS, underage drinking has serious, unsafe and unhealthy consequences; and,

WHEREAS, N.J.S.A. 40:48-1.2 permits municipalities to regulate by ordinance consumption and possession of alcoholic beverages by underage individuals on private property; and

WHEREAS, the Office of the Hunterdon County Prosecutor has recommended adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, and State of New Jersey, as follows:

CHAPTER 4, SECTION 4: CONSUMPTION OF ALCOHOLIC BEVERAGES

SECTION 4.1 CONSUMPTION IN PUBLIC PLACES

4-4.1 a Consumption. No person shall consume or offer to another for consumption, any alcoholic beverages, on or upon:

- Any public street, sidewalk, park, playground or in, on or upon any land or building owned or occupied by any Federal, State, County or municipal government.
- Any place to which the public at large is invited, provided that nothing herein shall be construed to prohibit the consumption or sale of alcoholic beverages within the licensed premises of a plenary retail consumption liquor licensee, or the consumption of wine within a bona fide restaurant (Ord. #80-8, §1).

4-4.1 b Possession. No person shall have in his possession or possess any alcoholic beverage in, on or upon:

- Any public street, sidewalk, park, playground, or in, on or upon any land or building owned or occupied by any Federal, State, County or municipal government unless the same is contained within a closed or sealed container.
- Any place to which the public at large is invited unless the same is contained within a closed or sealed container, provided that nothing herein shall be construed to prohibit the possession of alcoholic beverages within the licensed premises of a plenary retail consumption liquor licensee, or the possession of wine within a bona fide restaurant (Ord. #80-8, §2).

4-4.1 c Permitted Exceptions. Notwithstanding anything contained in this section to the contrary, the Mayor and City Council may, by motion and application being made therefore, permit the possession and consumption of alcoholic beverages within premises not covered by a plenary retail consumption license, for special functions or social events. This permission, if granted, shall be consistent with the Alcoholic Beverage Control Law and the regulations enacted pursuant thereto, and such further conditions as may be imposed by the Mayor and City Council (Ord. #80-8, §3).

4-4.2 UNDERAGE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY

Pursuant to N.J.S.A. 40:48-1.2, Chapter IV of the City of Lambertville is amended and supplemented by the addition thereto of a new Article 4-4.2, as follows:

Underage Possession or Consumption of Alcoholic Beverages on Private Property – It is unlawful for any person under the legal age to purchase alcoholic beverages, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

DEFINITIONS

Guardian – A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

Relative – The underage person’s parent, grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

4-4.2 a Exceptions

- This article shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

- This article shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was licensed under Title 33 of the Revised Statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution, however, this article shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81 or any other section of law against a person that is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

4-4.2 b Violations and Penalties

a. Any person found guilty of violating the terms of this article shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense. Upon a finding of guilt, the court may also suspend or postpone for six months the person's driving privileges in addition to the authorized fine. Upon the conviction of any person and suspension or postponement of the person's driver's license, the court shall forward a report to the New Jersey Motor Vehicle Commission ("Commission") stating the first and last day of the suspension or postponement imposed by the court pursuant to this section. If a person at the time of the imposition of the sentence is less than seventeen years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day this sentence is imposed and shall run for a period of six months after the person reaches the age of seventeen years. If the person at the time of the imposition of the sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the Commission along with a report. If for any reason, the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person as well as the first and last date of the license suspension imposed by the Court.

b. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40.

c. If the person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege for the person based on the age of the person and submit to the Commission the required report. The court shall not collect the license of the non-resident convicted under this article.

4-4.3.a Repealer: All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

4-4.3 b Severability: If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause, or provision so adjudged the remainder of this ordinance shall be deemed valid and enforceable.

4-4.3 c Effective Date. This ordinance shall take effect upon the final passage and publication in accordance with law.

ATTEST:

Cynthia L. Ege, CMR, RMC, Acting City Clerk

David M. DeVecchio, Mayor

Introduced: June 20, 2011
Public Hearing: July 18, 2011

Mayor DelVecchio asked for a motion on Ordinance 18-2011. Councilwoman Asaro made a motion to approve on first reading and introduction, Ordinance 18-2011. Councilwoman Warner 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 July 18, 2011.

ORDINANCES – SECOND READING AND PUBLIC HEARING.

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 this ordinance will create a handicapped parking space in the parking lot of City Hall.

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.

FIRST READING AND INTRODUCTION: May 16, 2011

SECOND READING AND PUBLIC HEARING: June 20, 2011

PUBLIC HEARING:

Mayor DelVecchio opened the public hearing on Ordinance 11-2011 and asked for public comment. There being no public comment, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 11-2011, creating a handicapped parking space at City Hall.

Council President Stegman made a motion to close the public hearing on Ordinance 11-2011. Council President Stegman seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

MOTION TO ADOPT ON SECOND READING:

Mayor DelVecchio asked for a motion to adopt on second reading, Ordinance 11-2011. Councilwoman Asaro made a motion to approve Ordinance 11-2011. Council President Stegman seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

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 this ordinance will repeal the section of Ordinance 2010-10 requiring a fee of \$200.

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.

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.

FIRST READING AND INTRODUCTION: May 16, 2011

SECOND READING AND PUBLIC HEARING: June 20, 2011

PUBLIC HEARING:

Mayor DelVecchio opened the public hearing on Ordinance 12-2011 and asked for public comments. There being no comments from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 12-2011, repealing the garbage fee.

Councilwoman Asaro made a motion to close the public hearing on Ordinance 12-2011. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Councilman Sanders made a motion to approve Ordinance 12-2011 on second reading and final approval. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

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. The City has experienced heavy snow falls which has caused the City to purchase snow removal equipment for Public Works and now the 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.

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

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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.

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: _____

§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

NOTES/BONDS ISSUED HEREUNDER						
AMOUNT	DATE	MATURITY	RATE	PAYDOWN	NEW/ RENEWAL	REMAINING AUTHORIZATION



PUBLIC HEARING:

Mayor DelVecchio opened the public hearing on Ordinance 13-2011 and asked for public comment. Councilwoman Asaro asked about the gas mileage of this vehicle. The Police Director commented that it is predicted to have better gas mileage than the Crown Victoria which is what is currently in use.

There being no further comments from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 13-2011 to fund the purchase of a SUV for the police department.

Council President Stegman made a motion to close the public hearing. 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 adoption. Councilwoman Asaro made a motion to approve on second reading and final adoption, Ordinance 13-2011 to fund the purchase of a SUV for the police department. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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

Mayor DelVecchio informed the public that this ordinance is to amend the construction fees for the City of Lambertville and bring them more in line with the categories of the State.

City of Lambertville
Ordinance 14-2011

An Ordinance to Amend Chapter 10, Fees for Construction Permits

Revised 05-16-11

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.
- (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.
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.
 - (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(l) 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.

- (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 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.

City of Lambertville
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June 20, 2011, 6:30 p.m.
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FIRST READING AND INTRODUCTION: May 16, 2011
SECOND READING AND PUBLIC HEARING: June 20, 2011

PUBLIC HEARING:

Mayor DelVecchio opened the public hearing for Ordinance 14-2011.

The Construction Official, Ken Rogers was present and commented that this is a revamped fee schedule with added language that fits current standards.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 14-2011.

Council President Stegman made a motion to close the public hearing on Ordinance 14-2011.

Councilwoman Asaro 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. Council President Stegman made a motion to approve Ordinance 14-2011 on second reading and final approval. Councilwoman Warner seconded the motion. An affirmative Roll Call Vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

COUNTY OF HUNTERDON DEPARTMENT OF HUMAN SERVICES: Notice of Public Hearing on the Casino Revenue Funding.

READINGTON TOWNSHIP: Resolution to Not Repeal Global Warming Response Act (2007)

OFFICE OF THE HUNTERDON COUNTY PROSECUTOR: Proposed Ordinance prohibiting the underage consumption and possession of alcohol on private property.

STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS, Unsafe Buildings Demolition Loan Fund. Mayor DelVecchio asked the Acting City Clerk to see if the City is eligible for funding.

HUNTERDON HEALTHCARE FOUNDATION: letter requesting an opportunity to make a brief presentation to the Governing Body in September 2011.

NEW JERSEY SOCIETY OF MUNICIPAL ENGINEERS: letter asking for participation in the award process for Municipal Engineers which will take place in November of 2011.

BOARD OF CHOSEN FREEHOLDERS, HUNTERDON COUNTY: State Aid for Education to School Districts.

BOARD OF CHOSEN FREEHOLDERS, HUNTERDON COUNTY: All Hazards Pre-Disaster Mitigation Plan.

UNFINISHED BUSINESS.

The Mayor informed the members of the public that the meters in front of Sojourner on Bridge Street are like what is funded through Ordinance 06-2011.

UPDATE ON VARIOUS CONSTRUCTION IMPROVEMENT PROJECTS.

Bike and Ped Grants: Substantially complete. Final Paper work is in process.

City Hall: Punch list items remain outstanding.

LMUA Construction Update: Mayor DelVecchio reported that the project is substantially complete.

Construction:

South Franklin Traffic Calming: the planters were installed and shimmed to make them level.

North Union Street – Phase 2: Design plans include roadway, sidewalk repairs and two speed humps, one for each block. We are awaiting permits from NJDOT and anticipate going out to bid in mid July.

Delevan Street & McCready's Alley: McCready's Alley is complete. Delevan Street has punch list items remaining.

Perry Street: tree installation took place the week ending June 17th. They started paving today, June 20th.

South Franklin & Weeden Streets Drainage Engineering: the survey and base mapping is complete. The City Engineer is in the process of evaluating alternatives.

Update on projects for flood relief.

Swan Creek: a request for reconsideration was submitted to FEMA by the City Engineer.

Ely Creek: easements are in process. The project engineer and City representatives are meeting on Thursday. John Miller reported that it will take four to five months to complete the project.

Mayor DelVecchio asked for a motion authorizing the Mayor and Acting City Clerk to sign the easement with C.A. Niece, Co., Inc. for the Ely Creek Project.

Council President Stegman made a motion to authorize the Mayor and Acting City Clerk to sign the easement with C.A. Niece, Co., Inc. for the Ely Creek Project. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

UPDATE ON VARIOUS NON-CONSTRUCTION PROJECTS.

Shared Services – nothing to report.

South County Renewable Energy Coop – Mayor DelVecchio informed the members of the public that the Planning Board of West Amwell Township will be meeting tomorrow evening to discuss the applications for the West Amwell Elementary School and West Amwell Township Municipal Building for the installation of the solar panels. The Committee will meet again on June 28th.

RFP for Film Series – contract is in process.

Work Group on SHRHS – Councilman Sanders reported that he is waiting for meeting dates.

Mayor and Council recognized Rhett Warner for the time he contributed to Swan Creek Clean Up organized by the Environmental Commission.

Committee on Snow Removal – nothing to report.

Committee on Garbage and Recycling – April 27th referendum passed. – nothing to report.

NEW BUSINESS.

APPOINTMENTS

Mayor DelVecchio made the following nominations for committee members:

- Planning Board – Erin McManus-Keyes
- Lambertville Municipal Utilities Authority – Preston M. Klinseis, EIT
- Shad Tree Commission
 - Accept the resignation of Michael Burns
 - Appoint Irene Rudolph

Council President Stegman made a motion to approve the appointments as nominated by Mayor DelVecchio. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ANNOUNCEMENTS.

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

PARKING SPACES available for lease at the Justice Center.

JULY 4TH: All City offices are closed on Monday, July 4th for the holiday.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

None.

ADJOURNMENT.

The meeting adjourned at 7:40 p.m. with a motion made by Council President Stegman and seconded by Councilwoman Warner. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege
CMR, RMC, City Clerk

Adopted at the July 18, 2011 regularly scheduled session of Mayor and Council.