

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES

Mayor DelVecchio called the meeting to order at 6:31 p.m. with a statement of compliance with the Open Public Meeting Act, noticing the Beacon, the Times and the Democrat on Friday, July 11, 2011, posted on the City's bulletin board and website, and sent to assorted individuals through the list serve of the website.

ROLL CALL.

Mrs. Ege called the roll as follows:

Present: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

RESOLUTIONS.

RESOLUTION 113-2011: *A Resolution to Award the Bid for Additional Remanufactured and Refurbished Mechanical Mechanisms to Take a Powder, Inc., of Patterson, NJ.*

City of Lambertville

Resolution 113-2011

A Resolution to Award the Bid for the 40 Remanufactured Parking Meters, Refurbished Mechanical Mechanisms or New Electronic Mechanisms

WHEREAS, the City of Lambertville advertised the bid in the legal section of the June 6, 2011 issue of the Trenton Times for 300 Remanufactured Parking Meters, 300 Refurbished Mechanical Mechanisms or 300 New Electronic Mechanisms, and

WHEREAS, the City of Lambertville received two bids on June 23, 2011 and publicly opened and read the bid document in accordance with the Local Public Contracts Law, and

WHEREAS, the City Attorney has reviewed the packages submitted and has determined that the responders have complied with statutory requirements and has noted that one responder was for new meters and the second responder was for refurbished and remanufactured meters, and

WHEREAS, the budget for the remanufactured and refurbished parking meters in Ordinance 06-2011 totals \$35,000, with the total funded by the Ordinance of \$60,000, and

WHEREAS, the following responders bid on the project:

Responder	Amount
POM, Incorporated, Russelville, AR	\$100,500, for new meters/ \$335 per meter
Take a Powder, Inc., Paterson, NJ	\$39,000 for refurbished meters /\$130 per meter

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 2

WHEREAS, Mayor and Council awarded the bid for 300 remanufactured and refurbished mechanical mechanisms for parking meters at the special session held on June 30, 2011, and

WHEREAS, the Police Director has determined a need for 40 additional meters.

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 bid received for the refurbished and remanufactured meters is the most responsive and advantageous, price and other factors considered.

BE IT FURTHER RESOLVED THAT THE this resolution is to amend the contract is hereby awarded to Take a Powder, Inc., of Paterson, NJ on June 30, 2011 to add an additional amount not to exceed \$5,200, for a total contract purchase not to exceed \$44,200.

BE IT FURTHER RESOLVED THAT the Mayor and City Clerk are here by authorized to sign the contract on behalf of the City of Lambertville.

ADOPTED: July 11, 2011

Mayor DelVecchio explained that Resolution 113-2011 was to purchase additional refurbished and remanufactured meters. Merle Citrone asked what that meant. Mayor DelVecchio explained that we needed to order additional meters as the original count was off by approximately 40 meters. Mayor DelVecchio explained the digital meter system to Phyllis Gill. He further explained that a quarter will purchase 15 minutes but the meter will also accept dimes (six minutes) and nickels (three minutes).

Councilman Sanders made a motion to adopt Resolution 113-2011 for the purchase of additional meters. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION 114-2011: *A Resolution to Reject the Phone Bids.*

City of Lambertville
Resolution 114-2011
A Resolution to Reject the Phone Bids

WHEREAS, the City of Lambertville advertised for public bids for phone services in the Trenton Times, and

WHEREAS, on June 23, 2011, bids were received in the meeting room of City Hall where they were publicly opened and read allowed, and

WHEREAS, a review of the bids received from Spectrotel and Magellan Hill were reviewed by the Attorney, Councilwoman Asaro and the City Clerk, and the following was determined:

Spectrotel, Neptune, NJ	Proposed lump sum	\$1,751.46
Magellan Hill, Voorhees, NJ	Proposed lump sum	\$1,651.67
Current Phone Bills	Average	\$1,394

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 3

WHEREAS, this is the second time phone bills were advertised, received and rejected as they exceed the current expenses.

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 phone bids received on June 23, 2011 are hereby rejected.

ADOPTED: July 11, 2011

Mayor DelVecchio explained that Resolution 114-2011 is to reject the phone bids received for services to the City. The bids received exceed the amount we are currently paying. Since this is the second time receiving high bids the City can now negotiate for services.

Councilman Sanders made a motion to adopt Resolution 114-2011 to reject the phone bids received. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

OPEN SESSION – Bonnie J. Eick, Tax Collector.

Mayor DelVecchio informed the members of the public present that the meeting is being held here at City Hall because of a meeting of the Historic Preservation Board at the Justice Center. He further commented that we are here tonight because of one issue. The performance of Bonnie Eick is not in question. The tax collection rate is good and the audit is good. On May 18, 2011, Bonnie submitted her letter of resignation effective September 1, 2011. At the regularly scheduled session of Mayor and Council of June 20th, a Salary and Wage Ordinance was introduced to fund a part time Tax Collector and Mayor and Council accepted Bonnie's resignation by resolution. On June 27, 2011, Bonnie submitted a letter rescinding her resignation. We are here tonight to listen to your comments, but there will be no action on this issue tonight.

Gene Lelie asked why Mayor and Council were still looking for a part time Tax Collector. Mayor DelVecchio responded that he didn't say they were looking for a part time tax collector.

A member of the public asked why the resolution couldn't be rescinded. Bonnie has helped a lot of elderly people. She deserves her job.

Merle Citrone commented that it comes down to the personal, not the money. We would save money by having a part time collector – that's true. Bonnie's had some issues and it was not a smart time. Bonnie made decisions she regrets. It's about helping a friend.

Margaret McCarthy commented that she was born and raised in Lambertville and knows everyone. She always smiles and always fixes things.

Ms. Pursel of North Union Street said she doesn't know Bonnie but her partner said she is courteous and wonderful. She made a mistake, just like all of you make Lambertville special, she makes Lambertville special.

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 4

Vee Hackney asked if the City has started the interview process. Mayor DelVecchio responded that they have not.

Suzanne Douglass asked why they were not happy she wanted to come back. Mayor DelVecchio stated it would have been helpful if she submitted her letter 8 days earlier.

Marie Rossiter stated that she worked with Bonnie for 18 or 19 years and you can't get a better tax collector. She doesn't make any mistakes, no audit problems. Mayor DelVecchio stated that she wasn't present when the meeting began, but he made that comment.

Sissy Ewing commented that Bonnie reminds all of the Senior citizens of what paperwork is due for their discounts. She always either sees or reminds them, which helps out.

Gene Lelie stated that he remembered when the tax collection was behind and Bonnie brought it up to a 97% collection rate. She always reminds people they are late. Mayor DelVecchio corrected Mr. Lelie and stated that Alice Fish, who was Bonnie's mentor, worked to get the taxes paid. He further commented that the City didn't ask Bonnie to step down.

An unidentified woman from the public asked if that could be changed.

Councilwoman Warner addressed the public. She stated that it is more complicated than it seems and it opens the door to other things in the future. Mayor and Council want to be fair but they need to be careful of setting precedence and not marry future Councils to the decision made today.

Mr. Lelie didn't agree.

Bonnie Eick addressed Mayor and Council. She said that any resolution can be rescinded. She didn't understand why it couldn't be done tonight. She doesn't feel this was necessary. She has a good tax collection rate with little to no tax sale items, five state programs for senior citizens, and brings in over 12 million dollars a year in taxes – and she proves to the penny. She called and spoke to each Council person and felt that we are not setting precedence by rescinding her resignation. She hasn't left and there has not been a break in service. She then addressed the Mayor and said "David you said it's a done deal." The Mayor corrected Mrs. Eick and said "I said it's more complicated than that." He asked Mrs. Eick to be truthful in her reporting of the conversation. He said that PAIC, the insurance company for the City, expressed concern for the precedence setting. Bonnie asked for a copy.

Merle Citrone asked what other employees were retiring. Mayor DelVecchio responded, Paul Cronic and Vernon Barlow. She stated that this has to do with the heart.

Steve Robbins asked if everyone had the opportunity to speak to Bonnie before hand. Everyone said they spoke to Bonnie except Council President Stegman who was away. He said there is always a way to write a resolution and make it so it isn't setting precedence.

Attorney Faherty said you can qualify a decision based upon special circumstances. Councilman Sanders asked if it would preclude a lawsuit. Attorney Faherty said nothing will preclude a lawsuit. You need to cross the T's and dot the I's.

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 5

Daniel Whitaker commented. He said he looked around the room and you don't get people to come out for important issues, but this room is packed with people supporting Bonnie. She always has a nice thing to say, he appreciates the situation, but Bonnie's history with the City is good and the next person might not be that good.

Jim Suita stated that when he comes into the municipality he doesn't dread it and he comes to pay taxes. Its one of the few places he doesn't feel grief. He gets his paperwork notarized there and if tonight it was Paul or Vern, you would rescind the resolution to keep them.

Phyllis Chrismer stated that Bonnie called Phyllis worried that the tax bills wouldn't be in prior to her leaving. She could say the heck with you but she doesn't.

Daniel Whitaker said it is nice to come into City Hall. The people are nice. A lot of towns the people don't talk to you.

Mayor DelVecchio asked the Council members what they wanted to do. Councilman Sanders stated that the Council took formal action by Resolution, and as a result it would have to act by Resolution should it choose to rescind the approval of the resignation.. He noted that the Council has to balance the merits of rescinding the resignation, taking into consideration the comments of the members of the public, with its consequences, which would include creating a precedent that would likely restrict or bind future actions of the Council under similar circumstances and which could create an increased risk of litigation over employment decisions. Councilman Sanders concurred with the comments of Mr. Robbins, who is an attorney, that a decision to rescind should be narrowly tailored to the circumstances before the Council.

Bonnie Eick further commented that she believes the position could not be completed by a part time tax collector. Deposits have to be made within 48 hours. Her salary is the lowest paid and she has been employed the longest.

Alice Yannarella asked when Mayor and Council would make their decision.

Jim Suita stated that he agrees with Steve's opinion and if they are trying to get rid of her then they should have done it long ago. He didn't understand why it was necessary to carry on with it and felt it could be rescinded.

Steve Robbins questioned why the council would go into a closed session to discuss it further. Mayor DelVecchio stated that Bonnie had the right to have an open session during her portion of the meeting. However, Mayor and Council had the right to go into closed session to discuss their concerns. All action would be taken in the public. Attorney Faherty agreed and stated Mayor and Council had a right to a closed session. Councilman Sanders repeated that the decision would be made in the public.

Sally Lelie asked what the ramifications are. Attorney Faherty commented that it was precedence setting. Councilman Sanders commented that if another situation occurred and that person was not treated in the same way, it could create a fertile ground for litigation. Sally said there are many precedents set at the City and she didn't understand why Mayor

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 6

and Council would not rescind. Councilman Sanders said it is something they need to consider.

Mayor DelVecchio stated that Mr. Robbins had a valid point and asked for any other comments.

Suzanne Douglass asked about the use of the word “danger.” Councilman Sanders stated that a more accurate word may have been “risk” of litigation.” He further commented on the high numbers of lawsuits because of employment matters. Most labor lawyers would say that you need to cross your T’s and dot your I’s. This is an emotional situation and there is a need to balance the risk with the merits of rescinding retirement.

Peg McCarthy suggested that they make a signed agreement with people who retire stating they cannot change their mind and then they are off the hook.

John Ahern stated that he was a friend of Bonnie's and knows her on a professional level. He is embarrassed for her, embarrassed to be in this building with the heat and the Justice Center not being used.

Sally Lelie stated that she knows of people who have left and come back numerous times and got their seniority back. She didn't understand the reluctance of Mayor and Council to rescind the resolution.

Mayor DelVecchio informed members of the public that Council still had other matters to address and asked for additional comments.

Bonnie asked when the decision would be made. Mayor DelVecchio said she should call him tomorrow.

There being no further comments from the public, Mayor DelVecchio asked for a motion to go into closed session.

RESOLUTION TO GO INTO CLOSED SESSION.

Resolution to go into closed session to discuss personnel matters, contracts and possible litigation.

RESOLUTION

“Authorizing a Closed Session at the July 11, 2011 Special Session of the 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 July 11, 2011, in City Hall, located at 18 York

City of Lambertville
SPECIAL SESSION OF MAYOR AND COUNCIL
MONDAY, 6:30 P.M., JULY 11, 2011
CITY HALL, 18 YORK STREET, LAMBERTVILLE
MINUTES
PAGE 7

Street, Lambertville, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, Possible Litigation.*

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

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

Ayes: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 7:20 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 8:40 p.m.

ANNOUNCEMENTS

ONE PARKING SPACE IS AVAILABLE AT THE JUSTICE CENTER: The Justice Center has one parking space available for lease. The fee is \$45 per space per month. Please contact Shelley at City Hall for additional information. She can be reached at 609-397-0110.

FREE RABIES CLINIC is scheduled for Saturday, September 17, 2011 from 1-3 pm at the Union Fire House.

PUBLIC COMMENT.

Bonnie Eick asked Mayor and Council when she would have an answer to her request. Mayor DelVecchio stated he didn't know.

ADJOURNMENT.

The meeting adjourned at 8:43 p.m. with a motion made by Councilwoman Asaro and seconded by Council President Stegman. 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
Approved at the regularly scheduled session of July 18, 2011.