

City of Lambertville
Regularly Scheduled Session of Mayor and Council
Monday, July 18, 2011, 6:30 PM
Justice Center, 25 South Union Street, Lambertville
MINUTES

The meeting was called to order at 6:33 p.m. by Mayor DelVecchio with a statement of compliance with the Open Public Meeting Act, with the annual meeting dates advertised in the January 13, 2011 issue of the Beacon, public notice sent on Friday, July 13, 2011 to the Beacon, the Democrat, and the Times, a copy of the agenda was posted to the Bulletin Board at the City Hall and to the City's website at www.lambertvillenj.org, and notice was sent to various individuals on the list serve, the City's Attorney and Engineer and Department Heads.

ROLL CALL.

Mrs. Ege called the roll as follows:

Present: Councilwoman Asaro, Councilman Sanders (arrived at 6:45 p.m.), Councilwoman Warner, Mayor DelVecchio.

Absent: Council President Stegman

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 the Moment of Silence for those serving their Country in the United States Armed Forces in the United States and Abroad, and for their families.

RESOLUTION TO GO INTO CLOSED SESSION.

RESOLUTION

“Authorizing a Closed Session at the July 13, 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 July 13, 2011, in the Justice Center 25 South Union Street, Lambertville, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, Possible Litigation.*

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

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

Ayes: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Mayor DelVecchio.

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 6:40 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 7:10 p.m.

APPROVAL OF MINUTES.

Councilwoman Asaro made a motion to approve the following minutes as submitted/corrected: June 20, 2011 Regular Session Minutes, June 20, 2011 Closed Session Minutes, June 30, 2011 Special Session Minutes, July 11, 2011 Special Session Minutes, and July 11, 2011 Special Session Closed 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.

Councilwoman Asaro made a motion to approve the following administrative reports as submitted: 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, City Clerk – Cynthia Ege, and Acting Chief Financial Officer and Director of Finance – Diane Sherry Buono. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

APPROVAL OF BILLS LIST.

Councilwoman Warner made a motion to approve the bills on the bills list and the addendum submitted today. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS.

Resolution Number 99-2011 was pulled from the consent agenda. Councilman Sanders expressed concern regarding the wording of the resolution. No action was taken.

Resolution 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.

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 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,

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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.

CONSENT AGENDA: *(provides rapid response to items which do not require discussion).*

Resolution Number 115-2011: A Resolution Authorizing the Change Order Number 1 for Delevan Street to reduce the amount of the project by \$32,556.40.

City of Lambertville

RESOLUTION NUMBER 115-2011

"A Resolution Authorizing Change Order Number 1 for the Delevan Street Reconstruction Project"

WHEREAS, the City of Lambertville contracted with R&B Builders for the reconstruction project of Delevan Street which was funded through a grant from the DRJTBC, and

WHEREAS, the project is substantially complete and the following is a representation of change order number 1:

- Reductions: Items 1, 4-8, 15-17, 20, 21, 23, 24, 27, 28, 30-31 and A-1, have been reduced to reflect as-built quantities, totaling: \$54,338.36
- Extra: Items 3, 11, 19, 22, 26, 34, 39 and 40 have been increased to reflect as-built quantities, totaling: \$21,781.96

WHEREAS, the overall change order is a reduction in the amount of \$32,556.40, which reduces the contract amount from \$369,135.80 to \$336,579.40.

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 Change Order Number 1 and final payment for R&B Builders for the Delevan Street Reconstruction Project is hereby approved to reduced the contract amount by \$32,556.40, for a total amount of \$336,579.40.

ADOPTED: July 17, 2011

Resolution Number 116-2011: A Resolution Authorizing the Change Order Number 1 for McCready's Alley to reduce the amount of the project by \$70,240.72.

City of Lambertville

RESOLUTION NUMBER 116-2011

"A Resolution Authorizing Change Order Number 1 for the McCready's Alley Reconstruction Project"

WHEREAS, the City of Lambertville contracted with R&B Builders for the reconstruction project of McCready's Alley which was funded through a grant from the DRJTBC, and

WHEREAS, the project is substantially complete and the following is a representation of change order number 1:

- Reductions: Various items have been reduced to reflect as-built quantities, totaling: \$7,275
- Extra: Various have been increased to reflect as-built quantities, totaling: \$1,663.32

WHEREAS, the overall change order is a reduction in the amount of \$5,611.68, which reduces the contract amount from \$75,852.40 to \$70,240.72.

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 Change Order Number 1 and final payment for R&B Builders for the McCready's Alley Reconstruction Project is hereby approved to reduced the contract amount by \$5,611.68, for a total amount of \$70,240.72.

ADOPTED: July 17, 2011

Resolution Number 117-2011: A Resolution to Authorize the Mayor and City Clerk to sign the Contract with the Friends of the Lambertville Library for the Film Series at the Justice Center.

City of Lambertville

RESOLUTION NUMBER 117-2011

“A Resolution Authorizing the Mayor and the City Clerk to Sign the Contract with Friends of the Lambertville Library for the Film Series at the Justice Center”

WHEREAS, the City of Lambertville went out to bid for the Film Series at the Justice Center and bids were received and publicly opened and read on February 24, 2011, and

WHEREAS, the contract period is not to exceed three years, and

WHEREAS, the Friends of the Lambertville Library agree to reimburse the City for monthly expenses not to exceed 30% of actual costs, and

WHEREAS, the contract period will begin on September 1, 2011 and end August 31, 2014.

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 Mayor and City Clerk are hereby authorized to sign the contract with the Friends of the Lambertville Library for a contract period not to exceed three years with an agreement for reimbursement of actual costs of monthly expenses not to exceed 30% of actual costs, effective September 1, 2011 through August 31, 2014.

ADOPTED: July 17, 2011

Resolution Number 118-2011: A Resolution to Authorize the Solicitation of Sealed Bids for Miscellaneous Cars and Equipment.

City of Lambertville

RESOLUTION NUMBER 118-2011

“A Resolution Authorizing the Public Sale of Vehicles and Equipment”

WHEREAS, the City of Lambertville has three items for public sale, and

WHEREAS, the three vehicles and/or equipment are as follows:

1. 2000 Crown Victoria
2. 1994 Dodge 2500, 4 x 4, with plow
3. 1990 White Cab Over, 25 Yard Leach, Rear Load

WHEREAS, the value of these items is under the requirement for a public auction, 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 the City Clerk is hereby authorized to advertise for sealed bids for the sale of these three vehicles.

ADOPTED: July 17, 2011

Resolution Number 119-2011: A Resolution to Authorize the Mayor and City Clerk to sign the Agreement with the County of Hunterdon New Jersey for the Municipal Alliance Renewal Application 2012.

City of Lambertville

RESOLUTION NUMBER 119-2011

“A Resolution Authorizing the Mayor and City Clerk to Sign the Municipal Alliance Grant”

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 Mayor and City Clerk at hereby authorized to sign the grant renewal application for 2012 in the amount of \$29,400.

ADOPTED: July 17, 2011

Resolution Number 120-2011: A Resolution to Rescind the Resignation of the Tax Collector.

City of Lambertville
RESOLUTION NUMBER 120-2011
“A Resolution to Rescind the Resignation of Bonnie Eick”

WHEREAS, on May 18, 2011, Bonnie Eick submitted her letter of resignation to the City of Lambertville for the position of Tax Collector, effective September 1, 2011 with the intent to retire from public service, and

WHEREAS, Mayor and Council accepted the resignation by resolution, number 102-2011, at the June 20, 2011 regularly scheduled session, and

WHEREAS, on June 27, 2011, Bonnie Eick submitted her letter to rescind her resignation due to personal reasons, and

WHEREAS, at the request of Bonnie Eick, Mayor and Council held a special session whereby Mrs. Eick elected to have an open session to discuss her request with the Mayor and Council, and

WHEREAS, Mayor and Council have considered Mrs. Eick’s request and have agreed to accept Ms. Eick’s request to rescind her resignation the resolution for the following reasons:

1. Mrs. Eick resigned during a period of extreme trauma and because of that had not thought the matter through, and
2. The Tax Collection rate for the City of Lambertville is at 98.05%, reference: 2010 Audit, and
3. The Audit of the Tax Collector reflects no comments or recommendations,
4. Ms. Eick’s request to rescind her resignation came before the City Council had interviewed any candidates, and
5. Ms. Eick’s request to rescind her resignation came before the City had expended any significant funds to seek her replacement, and
6. Ms. Eick’s request to rescind her resignation came before her original, requested termination date and allowed the City Council sufficient time to reconsider her request to rescind her resignation without interruption in her service, and
7. By granting Ms. Eick’s request to rescind, the City Council could identify no adverse consequences to the City.

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 Mayor and City Clerk are hereby rescind the resolution adopted at the June 20, 2011 regularly scheduled session of Mayor and Council.

BE IT FURTHER RESOLVED that this resolution is subject the signing of the release.

ADOPTED: July 17, 2011

Resolution Number 121-2011: A Resolution to Appoint an Acting Public Works Director.

City of Lambertville
RESOLUTION NUMBER 121-2011
“A Resolution to Appoint an Acting Public Works Director”

WHEREAS, the Public Works Director, Paul Cronce, resigned effective July 31, 2011, and

WHEREAS, there is a need to appoint an Acting Director for the Public Works Department, 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 Lester Myers is hereby appointed as the Acting Director of Public Works at a salary of \$24.03 per hour beginning August 1, 2011.

BE IT FURTHER RESOLVED, that this is an interim appointment and will expire once the Director of Public Works is appointed.

ADOPTED: July 17, 2011

Resolution 125-2011: A Resolution to Accept the Resignation of Jennifer Kerr.

City of Lambertville
Resolution 125-2011
A Resolution to Accept the Resignation of the Part Time Police Secretary

WHEREAS, Jennifer Kerr submitted her letter of resignation from the position of Part Time Police Secretary effective July 8, 2011, and

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 Jennifer Kerr is accepted effective July 8, 2011.

ADOPTED: July 18, 2011

Resolution 126-2011: A Resolution to Accept the Resignation of Alescia Teel from Environmental Commission.

City of Lambertville
Resolution 126-2011
A Resolution to Accept the Resignation of Alescia Teel from Environmental Commission

WHEREAS, Alescia Teel submitted her letter of resignation from the position of member, Environmental Commission effective June 28, 2011, and

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 Alescia Teel is accepted effective June 28, 2011.

ADOPTED: July 18, 2011

Resolution 127-2011: A Resolution to Reject the Bids Received for Pay for Meters by Cell Phone.

City of Lambertville
Resolution 127-2011
A Resolution to Reject the Bids for Pay by Cell Phone

WHEREAS, the City of Lambertville advertised for public bids for pay by cell phone for meters 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 Pango, Ringo and Parkmobile and were reviewed by the Attorney, and the City Clerk, and the following was determined:

1. Bidders should supply the smartphones or handhelds at no charge to the City,
2. voice recognition should be part of the package offered to customers, and
3. signage fees were not clear in the responders packets.

WHEREAS, after review of the bids, it was determined that it would be most advantageous for the City to rebid the pay by cell phone for meters package to better determine the services available to the users, and clarify fees to the City.

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 pay by cell phone for meters bids received on June 23, 2011 are hereby rejected.

ADOPTED: July 18, 2011

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

ORDINANCES – FIRST READING AND INTRODUCTION.

Ordinance 19-2011: *An Ordinance to Amend Chapter VIII, Article III, 8-29, Rules and Regulations for Residential Parking Permit Issuance.*

Mayor DelVecchio asked Councilman Sanders to review the Ordinance to make sure it addressed out of state cars for those who work in Pennsylvania and are issued a work vehicle. He went onto the Ordinances scheduled for public hearings.

ORDINANCES – SECOND READING AND PUBLIC HEARING.

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

Mayor DelVecchio opened the public hearing on Ordinance 15-2011. He read Ordinance 15-2011 by title into the record. He advised the members of the public that this ordinance is to create an additional parking space in front of 31 Jefferson Street.

The City Clerk advised that the public notice of pending ordinance was advertised in the legal section of the June 30, 2011 issue of the Beacon.

The Police Director was asked if he and the Director of Public Works had an opportunity to visit the site. The Police Director and the Public Works Director both visited the site and had no issues with the ordinance.

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:

Mayor DelVecchio asked for public comment. There being no public comment, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 15-2011. Councilwoman Asaro made a motion to close the public hearing on Ordinance 15-2011. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor DelVecchio asked for a motion on second reading and final approval on Ordinance 15-2011. Councilwoman Asaro made a motion to approve on second reading and final approval Ordinance 15-2011. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken by all members present. **MOTION CARRIED.**

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

Mayor DelVecchio opened the public hearing on Ordinance 16-2011 and read the Ordinance by title into the record. He advised the members of the public that this Ordinance amends the Steep Slope Ordinance of the City of Lambertville.

The City Clerk advised that the public notice of pending ordinance was advertised in the legal section of the June 30, 2011 issue of the Beacon. A copy of the proposed Ordinance was mailed via certified mail to the Hunterdon County Planning Board, the Municipalities of West Amwell Township, Stockton Borough and Delaware Township on June 23, 2011.

Mayor DelVecchio informed the members of the public that this amends the Ordinance in the following ways:

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1. Keeps all applications in front of the Planning Board.
2. Requires a variance instead of an exception or waiver.
3. Retains cluster building option for developers.
4. Requires a bond for building on property with more than a 30% slope.
5. Focus is on sub divisions.

Planning Board Chairperson Tim Korzun was present and said this was the result of the ongoing review of the Master Plan. The Planning Board recognized that the hills are the only lands left for development. The precautions are to minimize and limit the development of property. The developers must show that there is no other way to build the project. The Planning Board wants to work with applicants; however, they need to protect the interest of the City and property owners. He referenced the gash in the hill by Weeden Street.

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 Beacon, 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

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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 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.
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 manufacturers 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.

519.10 CONFLICTS AND SEVERABILITY

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.

NOTE: the last page of this ordinance contains a table which could not be copied into the minutes but is attached as an addendum.

Mayor DelVecchio asked for comments from the public.

Ron Wootters of North Main Street asked if this was geared toward development of property. The Planning Board Chairperson stated that they can't stop all development but they can limit and place consequences to protect those who live down hill. Mayor DelVecchio stated that this would protect people who live down hill from the development by making it tougher to build.

Rose Wootters commented that her property is ruined due to the development above them on South Franklin Street. Mayor DelVecchio informed the members of the public of the City's pursuit of grant funds to address that issue.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 16-2011. Councilman Sanders made a motion to close the public hearing. Councilwoman Warner

seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion on second reading and final approval of Ordinance 16-2011. Councilwoman Warner made a motion to approve Ordinance 16-2011 on second reading and final approval. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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

Mayor DelVecchio opened the public hearing on Ordinance 17-2011 and he informed the members of the public that Ordinance 17-2011 is no longer needed as the Tax Collector's resignation was rescinded by resolution. He informed the members of Council that they should make the motion in the affirmative and vote no.

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

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 17-2011. Councilman Sanders made a motion to close the public hearing on 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.

Mayor DelVecchio asked for a motion on second reading and final approval. Councilman Sanders made a motion to approve Ordinance 17-2011. Councilwoman Warner seconded the motion. A Roll call vote of nays was taken by all members present. MOTION DEFEATED.

Ordinance 18-2011: *An Ordinance Prohibiting the Underage Consumption and Possession of Alcohol on Private Property.*

Mayor DelVecchio read Ordinance 18-2011 by title into the record and opened the public hearing. He informed the members of the public that this ordinance is at the request of the Hunterdon County Prosecutor's Office. He asked the Police Director to comment on the Ordinance. The Police Director stated that the City currently does not experience a problem with under age drinking but he said that this would give them more authority to act should there be an

occurrence. The Police Director also commented that Tewkesbury and Readington Township opted to not adopt the ordinance.

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:

Mayor DelVecchio asked for public comment on Ordinance 18-2011.

Heather from the Missing Peace asked how this would benefit the public and how it would be enforced. Police Director Cocuzza commented that this would allow the Police Department to issue violations of the ordinance and to deal with it in a proactive way.

Councilwoman Warner asked why the County was so interested in having this ordinance adopted by municipalities in Hunterdon County. Police Director Cocuzza stated he assumed it was a mission of the Attorney General's office.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 18-2011. Councilman Sanders made a motion to close the public hearing on Ordinance 18-2011. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion on second reading and final approval of Ordinance 18-2011. Councilman Sanders made a motion to approve on second reading and final approval, Ordinance 18-2011. Councilwoman Asaro seconded the motion. An Affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING AND INTRODUCTION.

Ordinance 19-2011: An Ordinance to Amend Chapter VIII, Article III, 8-29, Rules and Regulations for Residential Parking Permit Issuance.

Mayor DelVecchio asked Councilman Sanders if he had an opportunity to review the ordinance. Councilman Sanders commented that the section "e" covered out of state vehicles. Mayor DelVecchio informed the members of the public that this Ordinance is to clean up the language on the rules and regulations for the issuance of resident parking permits for metered parking.

An Ordinance to Amend Chapter VIII, Article III, 8-29, Rules and Regulations

8-28 RULES AND REGULATIONS.

The resident parking permit ("permit") shall be issued under the following regulations and rules:

- a. A completed application with the following information is required:
 1. A valid, current New Jersey driver's license; (removed "or")
 2. A valid New Jersey motor vehicle registration for the vehicle for which the permit is sought, which must include the applicant's Lambertville address;
 3. Lease or deed for the residence, which proves residency and reflects off street parking is not available.
 4. If you are a licensed driver relocating to New Jersey from another state, you need to change titles and registration for all vehicles currently titled and registered in another state. You must register your vehicles within 60 days or before your out-of-state registration expires (whichever is first).
- b. Upon the payment of the required annual fee, Temporary Permits may be issued for a period of 60 days to allow newly relocated resident(s) to obtain the necessary New Jersey License and Registration. The City Clerk is authorized to extend the temporary permit an additional 30 days for a total period of time not to exceed 90 days if the registration is for a leased vehicle. The applicant must supply proof that the proper paperwork was filed with the Motor Vehicle Commission of the State of New Jersey in order for the Clerk to consider the request for extension.
- c. The application for a permit shall have appended thereto an attestation by the applicant affirming that:
 1. The applicant is a resident of the City of Lambertville;
 2. There is no available driveway or garage at the applicant's residence; and
 3. There is no other free and legal off-street parking available for the vehicles for which the permit is sought within one (1) block of the applicant's resident.
- c. Each permit shall be valid in the year in which it is issued and shall be renewable upon expiration provided the conditions for issuance continue to exist.
- d. Each permit shall be valid for one (1) year from the date of issue, and shall be renewable upon expiration provided that the conditions for issuance continue to exist.
- e. A permit shall be issued to the resident upon payment of a fee of forty-five (\$45) dollars. If required by the resident a permit which may be transferred between a personal vehicle and a company vehicle may be issued upon documentation presented to the City Clerk for a fee of sixty (\$60) dollars. The fee for a duplicate permit or a permit for a different vehicle shall be twenty-five (\$25.00). There shall be no monthly prorating for the permit regardless of the permanent or temporary status. (Ord. #2010-03)
- f. Each permit shall be issued with a corresponding sticker to be affixed on the rear window, driver's side, lower left-hand corner of the motor vehicle. Each sticker shall contain a number corresponding to the permit and shall show the street address of the resident on its face.
- g. Permits shall automatically be revoked if the vehicle ceases to qualify or if the permit is affixed to a vehicle other than the one so designated on the application. Vehicles with revoked stickers will be subject to the same penalty as a vehicle parked in a similar location without a permit.
- h. Permits are not transferable and shall automatically be revoked in the event a holder ceases to be a resident of the City of Lambertville.

- i. All vehicles properly displaying a valid residential parking permit shall be exempt from paying any meter fee and from the time limits imposed by signage on the street on which their residence is located. The permit shall not be valid in any City owned lot. (Ord. #87-10, paragraph 2; Ord. #88-30, paragraphs 2, 3; Ord. #90-01, paragraph 5; Ord. #2001-11)

INTRODUCED: July 18, 2011
PUBLIC HEARING: August 15, 2011
ADOPTED:

Mayor DeVecchio asked for a motion to introduce Ordinance 19-2011, an Ordinance to amend the permits issued for metered parking to allow for the issuance of temporary parking permits for new residents moving in from out of state.

Councilman Sanders made a motion to introduce on first reading Ordinance 19-2011. 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 August 15, 2011.

CORRESPONDENCE.

SHRHS Football Booster Club: request for approval for Tag Days on Friday, August 5 and Friday, August 19 from 7 – 9:30 pm, at Walkers Wine and Spirits, Wells Fargo Bank Area, Nicola's Pizzeria and the Lambertville Station. Each business has given approval.

Councilman Sanders made a motion to approve the request of the SHRHS Football Booster Club. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

BIKE MS: Request for approval for the Bike MS Ride on Sunday, September 18, 2011, starting and ending The Inn at the Lambertville Station. The participation level is 250 riders and volunteers.

The Police Director was asked to work with the Bike MS Ride to address any and all concerns.

LAMBERTVILLE AREA CHAMBER OF COMMERCE: A letter requesting approval to coordinate a weekend city-wide sidewalk sale for Saturday, October 1, 2011 and Sunday, October 2, 2011.

The Police Director expressed concern for the narrowness of the sidewalk should this be approved. Councilman Sanders asked if there were other events planned for this weekend. Mayor DeVecchio commented that the Aids Walk and the Fireman's Memorial Service were scheduled for October 2.

Heather from the Missing Peace said the tables would be against the buildings and that the Chamber would alert the stores to make sure there was proper means of egress.

Councilman Sanders made a motion to approve the request of the Chamber for the October City-wide sidewalk sale. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

2011 HOUSE TOUR: Lambertville Historical Society request approval to use the bathrooms at City Hall for the Tour on Sunday, October 16, 2011 from 11 am to 5 pm.

WEST AMWELL TOWNSHIP PLANNING BOARD: An Ordinance to Amend the Community Facilities Plan of the Master Plan.

BEVERLY KERSHAW: Request for a block party on Clinton Street scheduled for Saturday, August 6th from 3 – 11 PM, at the end of Perry Street.

Councilman Sanders made a motion to approve the request of Beverly Kershaw for the block party. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

J.B. KLINE & SON'S GALLERY: request to close off Kline's Court between Bridge and Ferry Streets on alternating Fridays in coordination with Sara Scully's events on Firework Fridays which include: July 15, 29, August 12, 26, from 5 – 9 pm for a small outdoor music event.

Mr. Jeff Kline was present to answer questions regarding his request from Mayor and Council. Mayor DelVecchio asked if he had encountered problems from the last event. The Police Director stated his office received calls from merchants who were not informed of the event. Heather from the Missing Peace said it was difficult for people to get through to her store. Mr. Kline stated he would notify the businesses and would see that the public had access to the Missing Peace.

Councilman Sanders made a motion to approve the request of Mr. Kline. Councilwoman Asaro seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

UNFINISHED BUSINESS.

UPDATE ON VARIOUS CONSTRUCTION IMPROVEMENT PROJECTS.

Bike and Ped Grants – a letter was submitted asking for permission to include the trash cans in the grant. The City has supplied all outstanding documents for the reimbursement of DRJTC grant.

City Hall – we are waiting for the submission of the as-built. There are five items outstanding.

LMUA Construction Update – project is substantially complete. The City Clerk read the letter into the record.

Construction:

South Franklin Traffic Calming –The City Clerk informed the members of the public that the planters have been installed and were shimmed. Steve Robbins stated that the residents were looking for plantings to put in the planters. Mayor DelVecchio stated that Paul Gorecki was working on getting items to put in the planters. The residents are looking for ever greens or something of that nature.

North Union Street – Phase 2 – the Engineer is bidding the project in the next four weeks. Councilwoman Warner asked the result of the survey. Mayor DelVecchio informed the members of the public that the Engineer was bidding the project prior to the results of the survey. If the bid

responses come in low, the speed humps will be added to the project. The City Clerk was asked to reach out to the resident and inform her of this.

Delevan Street & McCreadys Alley – change order 1 to lower the amount paid to the contractor by \$32,556.40 for Delevan Street and 5,611.68 for McCready’s Alley.

Perry Street – change order 1 to lower the amount paid to the contractor by \$263.42. We were notified that some of the trees planted are dying. We had questions from the public regarding the contractor planting the trees instead of a landscape architect. The City Clerk spoke with the City Engineer who advised that because of the amount of projects contractors handle, they often have people work for them who are well versed in landscaping. She advised that they will continue to monitor the trees and will replace the bad trees in the fall.

South Franklin & Weeden Streets Drainage Engineering - pre-engineering is complete. Ed Geubtner is surveying for the possibility of a grant.

Update on projects for flood relief.

Swan Creek – Congressman Rush Holts office was contacted and issued a letter to FEMA on the City’s behalf. The Congressman’s office is in the process of scheduling a meeting in New York to discuss the grant.

Ely Creek – easement for signatures this evening. The project is in the permitting state with DEP.

Update on various non-construction projects.

Shared Services – nothing to report.

Frenchtown Interlocal Agreement

West Amwell

Other

South County Renewable Energy Coop – Mayor DelVecchio reported the SHREC is currently looking into contracting for electric services. The Clerk is looking into procurement requirements. The three solar arrays were approved by the West Amwell Township’s Planning Board. The members of SHREC listened to a proposal for peak shaving which would pay the group for using generators during peak hours and third party purchasing of electric services.

RFP for Film Series – contract approved this evening.

Work Group on SHRHS – Councilman Sanders reported that the next meeting is scheduled for August 9. The focus is shared services and regionalization. Mayor DelVecchio questioned what would happen to the State Aid (\$437,000) and how that would impact the tax payers. Councilwoman Warner stated that it does not have to go back to the tax payers. Both Councilman Sanders and Councilwoman Warner will report back at the August Council meeting.

Committee on Snow Removal – nothing to report.

Committee on Garbage and Recycling – nothing to report.

NEW BUSINESS.

APPOINTMENTS – None.

RESOLUTIONS.

Mayor DelVecchio asked if there were additional items for consideration. The Clerk pointed out the resolutions that were added to the agenda after the fact. Mayor DelVecchio asked for a motion to approve the resolution on the Acting CFO and Change Order for Perry Street.

Resolution Number 122-2011: A Resolution Correcting the date of hire and appointment for Diane Sherry Buono as the Acting Chief Financial Officer, Treasurer and Director of Finance.

City of Lambertville
Resolution 122-2011

A Resolution to Amend the hire date for the Acting CFO

WHEREAS, Diane Sherry Buono was hired to replace Karen Baldino and Ronald Ghrist, and

WHEREAS, Karen Baldino and Ronald Ghrist resigned effective May 28, 2010, and

WHEREAS, the Director, Thomas Neff, has advised that the appointment has to be effective the same date as the position was vacant, pursuant to NJSA 40A:9-140.13(f).

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 date of hire for Diane Sherry Buono is amended to May 28, 2010, and the date of re-appointment as the Acting CFO is hereby amended to May 28, 2011.

ADOPTED: July 18, 2011

Resolution Number 123-2011: A Resolution Authorizing Change Order Number 1 for Perry Street, reducing the amount of the project by \$263.42.

City of Lambertville
Resolution 123-2011

A Resolution to Authorize Change Order 2 for Perry Street, reducing the amount by \$263.42

WHEREAS, the City of Lambertville contracted with PA Contractors for the reconstruction project of Perry Street which was funded through a grant from the DRJTBC, and

WHEREAS, the project is substantially complete and the following is a representation of change order number 1:

- Reductions: Various items, 4, 5 and 11 have been reduced to reflect as-built quantities,
- Extra: Various items, 2, 7, 13, 17, 33 and 35 have been increased to reflect as-built quantities,
- Supplementary: S1 – Asphalt Price Adjustment

WHEREAS, change order 2 increases the price of the contract by \$6,800 and decreases the amount by \$7,063.42, and

WHEREAS, the overall result of change orders to date is a reduction in the amount of \$263.42, which reduces the contract amount from \$252,552.30 to \$252,288.88.

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 Change Order Number 1 and final payment for PA Contractors for the Perry Street Reconstruction Project is hereby approved to reduced the contract amount by \$263.42, for a total amount of \$252,288.88.

ADOPTED: July 18, 2011

Councilwoman Asaro made a motion to approve Resolution numbers 122-2011 and 123-2011. Councilman Sanders seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

ANNOUNCEMENTS.

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

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

Ron and Rose Wootters commended Paul Cronce for a job well done. Mayor DelVecchio said the City had a party for Paul on Friday evening. He further commented that Paul is going to be missed by the City and that he will miss Paul. Paul is one stop shopping – that all you dealt with, you called Paul and he made it happen. He asked Paul to say a few words. Paul commented that he went to the Conference of Mayors and led the members in the Pledge of Allegiance. He road with the City Clerk and on the way they discussed his party. He thanked everyone for their kind comments. Mayor DelVecchio said it was great to have someone who didn't charge for all of the phone calls. The Mayor had one rule, he gets a call, you get a call. He informed the soon to be Acting Public Works Director that he had big shoes to fill. The members present applauded Paul for his years of service.

Mayor DelVecchio asked for additional public comment. Debbie Wean of the Friends of the Lambertville Library asked if the City had considered their request to install equipment. Mayor DelVecchio stated they wanted to handle the contract first. The Friends of the Lambertville Library explained their need to expedite the request so they could be prepared for the September 1 beginning. Mayor DelVecchio asked for a five minute recess.

Resolution Number 124-2011: A Resolution Approving the Request of the Friends of the Lambertville Library for the server for the Film Series at the Justice Center.

City of Lambertville

Resolution 124-2011

A Resolution to Authorize the Installation of a Server

WHEREAS, the City of Lambertville contracted with Friends of the Lambertville Library for the Film Series at the Justice Center, and

WHEREAS, section 9 letter m of the contract requires approval from Mayor and Council for the installation of new equipment, and

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WHEREAS, the Friends of the Library by email dated June 23, 2011 have requested approval for the installation of a server and Comcast Cable line, and

WHEREAS, the installation of the server and cable line will allow the Friends of the Lambertville Library to have access to newly released films to offer to the members of the public.

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 Friends of the Lambertville Library are here by authorized to install the server in the closet located in the main meeting room subject to the following conditions:

1. The server shall be installed on a shelf located above the LCD projector equipment, and
2. Friends of the Lambertville Library shall take responsibility for securing the equipment from the members of the public, and
3. Friends of the Lambertville Library will attach proper signage to the equipment to notify the members of the public that this is privately owned equipment.
4. The estimated value of the equipment is \$5,000.

BE IT FURTHER RESOLVED that the Friends of the Lambertville Library agree to assume responsibility for all cost associated with the installation of and the expenses incurred related to the server and services provided by Comcast as provided for under the contract.

ADOPTED: July 18, 2011

Councilman Sanders made a motion to approve Resolution 124-2011, subject to working out the terms with the Friends of the Lambertville Library. Councilwoman Warner seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

ADJOURNMENT.

The meeting adjourned at 8:20 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Asaro. 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 August 15, 2011 regularly scheduled session of Mayor and Council.