

**City of Lambertville**  
**Regularly Scheduled Session of Mayor and Council**  
**Tuesday, February 21, 2012, 6:30 PM**  
**Justice Center, 25 South Union Street, Lambertville**  
**MINUTES**

The meeting was called to order at 6:31 p.m. by Mayor DeVecchio with a statement of compliance with the Open Public meeting act, providing the required notice on Friday, February 17, 2012 to the Beacon, the Democrat, the Times, posting the agenda to the bulletin board at City Hall, the website at [www.lambertvillenj.org](http://www.lambertvillenj.org), and noticing various people on the list serve, inclusive of department heads, city attorney and city engineer.

**ROLL CALL.**

Mrs. Ege called the roll as follows:

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

Absent: None.

**PLEDGE OF ALLEGIANCE.**

Mayor DeVecchio led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE.**

The City Clerk led the public in the Moment of Silence in honor of those serving their Country in the United States Armed Forces.

PLEASE NOTE: *Mayor and Council will go into closed session at 6:30 p.m. and reopen to the public at 7:00 p.m.*

**CLOSED SESSION.**

RESOLUTION TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL, CONTRACTS, POSSIBLE LITIGATION/LAW SUITES, ACQUISITION OF PROPERTY AND APPOINTMENTS.

**RESOLUTION**

*“Authorizing a Closed Session at the February 21, 2012 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 February 21, 2012, in the Justice Center 25 South Union Street, Lambertville, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, and Possible Litigation.*

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

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

Ayes: Councilman Sanders, Councilwoman Warner, Mayor DeVecchio.

Nays: None.

Note: Councilwoman Asaro and Council President Stegman arrived at 6:35 p.m.

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

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

### **APPROVAL OF MINUTES.**

Councilwoman Warner made a motion to approve the following minutes: January 17, 2012 Regularly Scheduled Session Minutes, January 17, 2012 Closed Session Minutes, February 13, 2012 Special Session Minutes as submitted. Councilwoman Asaro seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **ADMINISTRATIVE REPORTS.**

Council President Stegman made a motion to approve the Administrative Reports for the month of January: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk, Police Director – Bruce Cocuzza, Acting Public Works Director – Lester Myers, City Clerk – Cynthia Ege and 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.

### **PROCLAMATIONS – NONE.**

### **RESOLUTIONS.**

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

Resolution Number 58-2012: *A Resolution to Discharge the Mortgage for Ann Bidwell, Block 1009, lot 17, 2 Buttonwood Street, in the amount of \$15,736.36.*

**City of Lambertville**

#### **RESOLUTION 58-2012**

*“A Resolution Authorizing the Mayor and City Clerk  
to Sign the Discharge Papers for the Mortgage on 2 Buttonwood Street”*

**WHEREAS**, Ann Bidwell applied for a received a mortgage from the City of Lambertville in the amount of \$15,736.36, and

**WHEREAS**, Ann Bidwell has satisfied the debt of these mortgages on December 15, 2005, for the premises known as 2 Buttonwood Street, Block 1009, lot 17.

**NOW THEREFORE BE IT RESOLVED** that Mayor and Council hereby authorize the Mayor and City Clerk to sign the mortgage discharge papers as prepared by Attorney Faherty.

ADOPTED: February 21, 2012

Resolution Number 59-2012: *A Resolution to Authorize the Interlocal Agreement with Pollution Control Financing Authority of Warren County for Waste Disposal.*

**City of Lambertville**

**Resolution 59-2012**

*“Approval of Inter-local Agreement with Pollution Control Financing Authority of Warren County for Waste Disposal”*

**WHEREAS**, on January 1, 2012, the Governing Body approved Resolution Number 27-2012 authorizing the Inter-local Agreement with Pollution Control Financing, and

**WHEREAS**, the contract amount was incorrect.

**BE IT RESOLVED** that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey do hereby direct the Mayor and City Clerk to sign the Inter-local Agreement with the Pollution Control Financing Authority of Warren County for waste disposal services from January 1, 2012 through December 31, 2012 at a fee of \$71 per ton plus a recycling tax of \$3 per ton.

Resolution Number 60-2012: A Resolution to Award the Proposal for the Justice Center to Extend the TPO Termination Bar to Strober-Wright Roofing, Inc. in the amount of \$1,750.

**City of Lambertville**  
**Resolution 60-2011**

*“Approval of the Proposal from Strober-Wright Roofing, Inc., for the Repair of the Dryvit at the Justice Center”*

**WHEREAS**, the dryvit at the Justice Center needs to be repaired, and

**WHEREAS**, the CFO has certified funds are available in Ordinance Number 2003-20, and

**WHEREAS**, Michael Burns, the City’s Architect received two proposals as follows:

- Strober-Wright Roofing, Inc., 1483 Route 179, Lambertville, \$1,750
- J&J Eick Construction, 2726 Windy Bush Road, Newtown, PA, \$2,350

**BE IT RESOLVED** that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey approve the proposal submitted by Strober-Wright Roofing, Inc., in an amount not to exceed \$1,750 for the repair of the Dryvit at the Justice Center.

**RESOLUTION 61-2012: A Resolution to Approve the Transfers.**

**City of Lambertville**  
**RESOLUTION 61-2012**

Resolution Authorizing Transfers between Budget Appropriation Reverses

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WHEREAS, various 2011 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2011 Budget in the last two months of 2011; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that the transfers in the amount of \$ 23,221.65 be made between the 2011 Budget Appropriation Reserves as follows:

<b>Account Number</b>	<b>Account Name</b>	<b>from</b>	<b>to</b>
01-2030-00-1970-110	Inspection And Code Enforcement		\$ 2,250.00
01-2030-00-2752-227	Municipal Prosecutor		\$ 706.24
01-2030-00-3052-229	Solid Waste O/E		\$ 1,998.39
01-2030-00-4302-271	Electricity		\$ 41.45
01-2030-00-4352-271	Street Lighting		\$ 565.23
01-2030-00-4402-276	Telephone		\$ 375.78
01-2030-00-4472-270	Fuel Oil		\$ 20.70
01-2030-00-4552-278	Sewerage		\$ 121.74
01-2030-00-4712-291	PERS Contribution		\$ 7,735.00
01-2030-00-4752-291	PFRS Contribution		\$ 9,407.12
01-2030-00-1552-227	City Attorney	\$ 1,233.07	
01-2030-00-2202-100	Group Insurance	\$ 9,752.75	
01-2030-00-2401-100	police S/W	\$ 5,669.89	
01-2030-00-2402-258	Police O/E	\$ 1,648.99	
01-2030-00-2522-238	Parks and Playgrounds	\$ 29.00	
01-2030-00-2901-100	Public works S/W	\$ 757.38	
01-2030-00-2902-225	Public works o/e	\$ 335.07	
01-2030-00-4452-272	Water	\$ 173.69	
01-2030-00-4462-270	Natural Gas	\$ 1,690.40	
01-2030-00-4722-298	Social Security	\$ 1,676.53	
01-2030-00-4902-100	Municipal Court	\$ 226.42	
01-2030-00-4902-222	Municipal Court o/e	\$ 28.46	
		<u>\$ 23,221.65</u>	<u>\$ 23,221.65</u>

Adopted: February 21, 2012

Resolution Number 62-2012: A Resolution to Approve Change Order Number 2 for the Lilly Street Apartment in the Amount of \$15,220.

**Resolution Number 62-2012**

*A Resolution to Approve the Change Order for the Apartment at the Library*

WHEREAS, the City of Lambertville is a municipality located in the County of Hunterdon, in the State of New Jersey, and

WHEREAS, on December 6, 2011, Anthony Magliaro Carpentry-Home Improvements was awarded the bid for the renovation of the Lilly Street Apartment in the amount of \$4,904, and

WHEREAS on January 17, 2012, Change Order 1 for the renovations to the bathroom was approved in the amount not to exceed \$5,000, and

WHEREAS, Change Order 2 is in the amount of \$15,220 and includes the work as outlined below:

- Kitchen: replace existing kitchen with design provided to City Council; removal of existing kitchen and replacing with New Kitchen Cabinets, backsplash and laminate countertops, inclusive of sheet rock on walls and ceiling where necessary
- Fireplace: cover front of fireplace with plywood leaving brick exposed,
- Bedroom: remove and dispose of drawers in 2 closets, repair walls where necessary and install hanger bars and hat shelf and paint, remove and dispose of wall shelves (nc), remove and dispose of curtains on bedroom French doors (nc),
- Replace closet and other door knobs throughout the apartment,
- Replace outlets and switch covers and paint outlets and switches white,
- Replace wall sconce,
- Front Door: clean locks and handles, replace storm door with Larsen Storm Door, replace medicine cabinet and vanity light,
- Painting – included in previous proposal, ceiling flat white, walls will be painted with the color selected by Mayor and Council, all surfaces will be cleaned with solution of bleach and water prior to painting,
- Blinds, supply and install Blindz Brand faux wood white blinds,
- Exterior painting,
- Clean and seal floor: scrape, wash, paint and seal tile floor.
- Other items as outlined in the proposal.

WHEREAS, the CFO has certified funds are available.

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, Change Order 2 for the Lilly Street Apartment in the Amount of \$15,220 is hereby approved.

ADOPTED: February 21, 2012

Resolution Number 63-2012: *A Resolution to Authorize the City Clerk to register with public surplus for the sale of public property.*

**City of Lambertville**

**Resolution Number 63-2012**

*A Resolution to Authorize the City Clerk to Register with Public Surplus for the Sale of Public Property*

WHEREAS, the City of Lambertville, a municipality in the County of Hunterdon, in the State of New Jersey, owns various items of personal property no longer needed for public use, and

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WHEREAS, the Sale of Municipally Owned Personal Property is governed under N.J.S.A. 40A:11-36, and

WHEREAS, Public Surplus is part of a pilot program which has been approved by the State of New Jersey, Department of Community Affairs, Division of Local Government Services as a vender, and

WHEREAS, Public Surplus is for the management of municipal property which have been identified as surplus for the purpose of public sale, and

WHEREAS, the City would like to auction the following items:

- Brush
- Metals and recyclable items
- 2000 Crown Victoria
- 1996 Buick Skylark
- 1994 Dodge 2500
- 1963 Huber Maintainer
- 1989 White GMC Garbage Truck
- Various Bicycles
- Various Other Items

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 register and sell public property as identified in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed with the Department of Community Affairs, Director of the Division of Local Government Services.

ADOPTED: February 21, 2012

*Resolution Number 64-2012: A Resolution to Approve the Request of the New Hope Chamber of Commerce for Fireworks.*

**City of Lambertville**  
**Resolution Number 64-2012**  
*A Resolution to Approve the Fire Works*

WHEREAS, the City of Lambertville is a municipality located in the County of Hunterdon, in the State of New Jersey, and

WHEREAS, the New Hope Chamber of Commerce working with the local businesses of the City of Lambertville, has requested approval for a Fireworks Display beginning the Friday before Memorial Day and ending the Friday before Labor Day, and

WHEREAS, the Fire Works will be ignited from a barge that floats in the Pennsylvania side of the Delaware River, and

WHEREAS, the City's insurance company has required the following information:

- Certificate of Insurance
- Hold Harmless Agreement
- Provision Outlining the Insurance Coverage of the fire work company
- Indemnification provision which names the City of Lambertville as additional insured covering the period of time from May 25 through August 31, 2012

- A Bond to cover any clean up from the fire works
- Worker's Compensation and Employer's Liability Insurance

WHEREAS, the City shall also require coordination efforts with the City's Police Department and reimbursement for fees associated with the event and

WHEREAS, the City shall also require coordination efforts with the following emergency services: Fire Departments, and the Lambertville-New Hope Ambulatory and Rescue Squad, and

WHEREAS, the Community at large has been vastly supportive of the fireworks, 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 request from the New Hope Chamber of Commerce for approval of the fireworks display is hereby approved subject to the following conditions:

1. New Hope Chamber of Commerce will fulfill all of the requirements of the City's Insurance Company (PAIC),
2. New Hope Chamber of Commerce shall reimburse the City for all police services related to this event,
3. New Hope Chamber of Commerce shall coordinate their efforts with the emergency services of the City of Lambertville and letters of agreement shall be sent to the City to ensure all provisions of this resolution are met,
4. New Hope Chamber of Commerce shall submit a separate request for the extension of their approval shall they decide to continue the fireworks into the fall months.

ADOPTED: February 21, 2012

Councilman Sanders 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.

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

Council President Stegman made a motion to approve the bills on the Bills List and the addition to the bills list. 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 NUMBER 05-2012: *An Ordinance to Amend Chapter V, General Licensing, Taxicabs and Liveries.*

Mayor DelVecchio read Ordinance Number 05-2012 into the record by title. He informed the members of the public present that this ordinance will amend Chapter V, General Licensing for Taxicabs and Liveries to be consistent with PL 2011, Chapter 135, A 1471. This will allow the City to auction licenses, require all drivers be fingerprinted, and amend the language of the ordinance to be more consistent with the changes in the law.

**City of Lambertville**  
**Ordinance Number 05-2012**  
*An Ordinance to Amend Chapter V, General Licensing, Taxicabs and Liveries*

**5-1 TAXICABS AND LIVERIES.**

**5-1.1 Definitions.** As used in this section:

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*Cruising* shall mean the operation of a taxicab without passengers to and fro along a public street at a slow rate of speed for the obvious purpose of soliciting passengers.

*Person* and *owner* shall mean and include a firm, co-partnership, association and corporation, and the singular or plural, and masculine, feminine or neuter, unless the contrary is clearly expressed.

*Public taxicab stand* shall mean a section of a public street or public place set apart for the exclusive use of a limited number of taxicabs, when such section is distinctly marked as such by a metal sign attached to a stanchion on the curb, or other conspicuous place, or by clearly visible marks upon the surface of the street or public place.

*Taxicab*, as defined in N.J.S.A. 48:16-1, shall mean and include any horse and carriage, horse drawn cart, automobile or motor car, commonly called taxi, auto cab, omnibus, or by whatever name or designation they may now or hereafter be known or designated, engaging in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run, or which is operated to run over any of the streets or highways of the City, and particularly accepts and discharges such persons as may off themselves for transportation from points or places within the City, or which is hired by charter, or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place or places, or which charges a fare or price agreed upon, in advance, between the operator and the passenger. Nothing in this section contained shall be construed to include any motor vehicle by whatever name or designation used and employed solely in transporting school children or teachers, or auto buses which are subject to the jurisdiction of the Board of Public Utility Commissioners, or any motor vehicle owned or operated by the City of Lambertville, County of Hunterdon, State of New Jersey, or operated by any non-profit organization in the business of transporting persons not for profit. (Ord. 9/6/49, paragraph 1; 3/19/79, paragraph 1; Ord. #98-01, paragraph 1)

**5-1.2 License Required; Fees for License.**

No taxicab shall operate upon streets of the City nor shall any taxicab stand upon any street or other public place or on private premises within the limits of the City waiting for employment without first obtaining a license from the City Clerk, which shall expire December 31 next succeeding the date of issuance, unless sooner, suspended or revoked by the Mayor's designation. The annual fee to be paid for such license shall be no less than the sum of five hundred (\$500.00) INSERT: which will be offered annually by auction and sold to the four highest, most responsible and qualified bidders at a date and time specified as outlined by P.L. 2011, Chapter 135, section 3.

NOTE: See Phil Faherty's Letter (attached).

**5-1.3 Issuance of License, Inspection of Taxicabs.**

The licensing and inspection of taxicabs, as hereinafter provided for in this section, and the enforcing of the provisions of this section, shall be under the control of the Police Department. Licenses shall be issued by the City Clerk. (Ord. 9/6/49, paragraph 3)

**5-1.4 Application Information.**

Every application for a license for a taxicab shall:

- A: set forth the full name and address of the owner,
- B: the make and character of the taxicab, the length of time it has been in use, the number of persons it is capable of carrying, and a place where it may be inspected by the Police Department (Ord. 9/6/49, paragraph 4).
- C: the names of each driver, and the fingerprint approval letter for each driver operating a Taxi for the Company.
- D: name of insurance company, policy number and expiration date.

**5-1.5 Requirements for Applicants.**

No license to operate a taxicab shall be granted to any person unless he is a citizen of the United States, or shall have declared his intention to become such a citizen. In the case of a co-partnership, no license shall be granted to operate a taxicab unless such corporation is either incorporated or is duly authorized to do business under the laws of this State. All applicants and prospective taxicab drivers must first submit to criminal history checks (fingerprinting) at a designated Live Scan facility prior to the issuance of a license.

**5-1.5 A. Fingerprinting**

No license shall be granted to operate a taxicab to any person, or to any partnership or corporation who is not, or the members or officer of which are not persons of good moral character, or who has, or if any of the members of the partnership, or officers of the corporation have been convicted of any convicted of any of the following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2c:35-2. In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph (1) of the subsection. If a person who has been convicted of one of the crimes outlined in this ordinance or in P.L. 2011, c.135 (A1471 3R), and can produce a certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an auto cab and/or taxi.

**5-1.6 Issuance of License; Number Limited; Transfer Fee. Amended**

In accordance with P.L. 2011, Chapter 135, a municipality shall publish a notice, in a newspaper circulating generally within the municipality, stating the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted.

The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed four (4), one per vehicle, four (4) vehicles in total. Any license hereafter issued may be transferred upon the payment of a transfer fee of fifty (\$50.00) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining the approval, in writing, of the Mayor's designee. (Ord. 9/6/49, paragraph 6)

**5-1.7 Inspection Required Before Issuance of License.**

No taxicab shall be licensed until it has been thoroughly and carefully inspected and examined by the Police Department and found to be in a thoroughly safe condition for the transportation of passengers. Such licensed taxicabs shall be clean, fit, and of good appearance and well painted and varnished. Side curtains or shades shall not be permitted on any such licensed vehicles. The Department shall refuse a license to any applicant, or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of such inspections and examinations, after having been submitted to the Mayor's designee shall be filed with the City Clerk and become a part of the application filed for the licensing of such vehicle, as hereinafter provided. (Ord. 9/6/49, paragraph 7)

**5-1.8 Display of License.**

Every licensed taxicab shall display in a manner required or approved by the Mayor's designee, its City license number upon the issuance of the City license of any taxicab. There shall be furnished to the owner a card setting forth the name and address of the owner and the number of the license which card shall be promptly displayed in the interior of the taxicab. (Ord. 9/6/49, paragraph 8)

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**5-1.9 Register of Taxicabs to be Maintained.** The City Clerk shall keep a register of the name of each person owning or operating a vehicle or vehicles licensed under this section, together with the license number and the description, make dimensions of such vehicles, with the date and complete record of inspections made of them. All applications for licenses shall be filed by the City Clerk and carefully preserved for reference. All licenses issued shall be recorded in books provided for that purpose, which shall be in such form as the Mayor's designee shall prescribe. All such records shall be open to the inspection of the public at all reasonable times and shall be deemed the official records of the Department and of the City. (Ord. 9/6/49, paragraph 9)

**5-1.10 Inspection, Written Reports Required.** The Police Department shall maintain a constant vigilance over all taxicabs to see that they are kept in a condition of safety for the transportation of passengers, and to this end shall have the right at any and all times to inspect any and all licensed vehicles, and shall maintain a record, in writing, of a report of all such inspections. (Ord. 9/6/49, paragraph 10)

**5-1.11 Insurance.** In order to insure the safety of the public, it shall be unlawful for the owner, lessee or bailee of any taxicab to operate or cause or permit such taxicab to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of Chapter 231 of the Laws of 1926, embodied in N.J.S.A. 48:16-1, et seq., N.J.S.A. 39:6B-1 and P.L. Chapter 135, Assembly number 1471, of the State of New Jersey, and the acts amendatory thereof or supplemental thereto, relating to the filing of an insurance policy covering the owner or operator of such vehicles for damages to person for which he may become liable by reason of the ownership, maintenance or use of the vehicle. All such insurance policies shall be issued to expire December 31 next succeeding the date of issuance. (Ord. 9/6/49, paragraph 11)

**5-1.12 Licenses Revoked or Suspended.** Licenses granted under the preceding sections may be revoked or suspended at any time after notice and hearing by the Mayor's designee if the vehicle shall not be in a safe condition for the transportation of passengers, or not kept in conformity with the terms of this section, or if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for the violation of any of the provisions of this section, or any of the rules and regulations made by the Appropriate Authority. (Ord. 9/6/49, paragraph 12; Ord. #90-08, paragraph 3)

**5-1.13 Mayor and Council to Designate Taxi Stands.** The Mayor and Council are hereby authorized to designate such place or places within the Central Business District or Highway Commercial Zones of the City as public taxicab stands as the Mayor and Council, in its judgment, may deem necessary as may be required for the proper transportation of passengers. The City Clerk is hereby further authorized to grant permits for the operation of taxicabs from private premises as it may deem necessary and proper. (Ord. 9/6/49, paragraph 13)

**5-1.14 Public Taxicab Stands Restricted to Licensed Cabs.** No taxicab shall occupy any public taxicab stand unless such taxicab shall have been licensed as provided in this section. (Ord. 9/6/49, paragraph 14)

**5-1.15 Regulations.** No taxicab, while waiting for employment by passengers shall stand on any public street or space other than that at or upon a taxicab stand designated or established in accordance with this section, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his taxicab to and fro in a short space before, or by otherwise interfering with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railroad station or other place of public gathering, and no driver shall solicit passengers for a taxicab except when sitting upon the driver's seat thereof, nor shall any driver of a taxicab solicit employment in the transportation of passengers by driving in or through any public street or public place at a slow rate of speed, commonly designated as "cruising." (Ord. 9/6/49, paragraph 15)

INTRODUCED: February 21, 2012

PUBLIC HEARING: March 19, 2012

Mayor DelVecchio asked for a motion to introduce Ordinance Number 05-2012. Councilwoman Asaro made a motion to introduce Ordinance 05-2012. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken on the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for March 19, 2012.

ORDINANCE NUMBER 06-2012: *An Ordinance to Amend Chapter VIII, Article III, 8-29 Rules and Regulations for Parking Permits.*

Mayor DelVecchio read Ordinance Number 06-2012 by title into the record. He said this ordinance will correct a clerical error.

*City of Lambertville*  
**Ordinance 06-2012**  
*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:

Letter d: Each permit shall be valid from January 1 to December 31 in the year in which it is issued and shall be renewable upon expiration provided the conditions for issuance continue to exist.

Letter e: Resident Parking Permits:

*Duplicate Permit*: In the event that a permit is lost, stolen or damaged, the fee for a duplicate permit or a permit for a new vehicle shall be twenty-five (\$25.00). The fee for a duplicate permit shall be exempted upon submittal of documentation (a copy of a police report, insurance claim or invoice) which reflects the vehicle or window was broken due to an accident.

FIRST READING: Tuesday, February 21, 2012

SECOND READING AND PUBLIC HEARING: March 19, 2012

Mayor DelVecchio asked for a motion to introduce Ordinance 06-2012. Councilman Sanders made a motion to introduce Ordinance Number 06-2012. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for March 19, 2012.

ORDINANCE NUMBER 07-2012: A Bond Ordinance in the amount of \$100,000 to fund a refurbished garbage truck for Public Works and a Chevy Tahoe for the Police Department.

Mayor DelVecchio read Ordinance Number 07-2012 by title into the record. He informed the members of the public present that this ordinance is to fund the purchase of a refurbished garbage truck and a new SUV for the police department.

*City of Lambertville*  
**ORDINANCE Number 07-2012**

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE  
COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR  
ACQUISITION OF VEHICLES FOR USE IN AND BY THE CITY,

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APPROPRIATING \$105,000 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$100,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$5,000 as the down payments for the improvements and purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$100,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are the acquisition of (1) a refurbished garbage truck for use by the City's Department of Public Works and (2) a sports utility vehicle for use by the Police Department to be purchased off of the State contract, and including all work and related materials necessary therefor and incidental thereto.

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

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8 (a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the

several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The City reasonably expects to commence the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any other grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio asked for a motion to introduce Ordinance 07-2012. Council President Stegman made a motion to introduce Ordinance 07-2012. 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 March 19, 2012.

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

ORDINANCE NUMBER 01-2012: A Bond Ordinance in the Amount of \$6,000 to Fund Grant Applications to Green Acres to Upgrade Cavallo Park.

Mayor DelVecchio read Ordinance Number 01-2012 by title into the record. He informed the members of the public that this ordinance will fund the grant writing for the Green Acres Grant to upgrade Cavallo Park. Mayor DelVecchio opened the public hearing on Ordinance 01-2012.

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR PRELIMINARY WORK ASSOCIATED WITH RENOVATIONS TO CAVALLO PARK IN AND FOR THE CITY, APPROPRIATING \$6,000 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$5,700 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$300 as the down payments for the improvements and purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$5,700, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are preliminary work associated with renovations to Cavallo Park in the City of Lambertville, including but not limited to the identification of funding sources and preliminary legal and engineering work associated with such funding applications.

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

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8 (a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as

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general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,700, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$6,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The City reasonably expects to commence the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any other grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio asked if there was any public comment regarding Ordinance 01-2012. There being no public comment, he asked for a motion to close the public hearing on Ordinance 01-2012.

Councilman Sanders made a motion to close the public hearing on Ordinance 01-2012. Council President Stegman seconded the motion. An affirmative roll call vote was taken on the motion to close the public hearing by all members present. MOTION CARRIED.

Council President Stegman made a motion to adopt Ordinance 01-2012 on second reading and final approval. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 02-2012: An Ordinance to Adopt the Staff Handbook for the Employees of the City of Lambertville.

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Mayor DelVecchio read Ordinance Number 02-2012 by title into the record. He informed the members of the public that this ordinance is to correct some differences in the language and current law and will accomplish the following things:

- Article I: added Americans with Disabilities Act.
- Article II: changed the language in:
  - Access to Personnel Files as per PAIC,
  - Employee Benefits to include the language of Chapter 2, P.L. 2010, Local Health Benefits Program,
  - Changes the payout for sick leave pay.
  - Added Flexible Spending Account,
  - Education Benefits – amended the mileage reimbursement to read “IRS Standard for Mileage,
- Article VIII: Employee Conduct and Work Rules were amended to reflect the language required by PAIC, the City’s insurance company.
- Article XII; System Privacy was amended to reflect the language required by PAIC, the City’s insurance company.
- Salary and Wage Ordinance was amended to increase the salary range for two positions.
  - The Construction Official was at the top salary of \$35,000. It was increased to \$45,000.
  - We also amended the salary range for the Animal Control Officer from \$4,000 to \$6,000 to \$4,000 to \$9,500.
- Other very minor changes were made to correct spelling, format and language to reflect current statutes. For instance: The old language in PERS stated employees had to retire at age 72. The law has changed and this sentence was removed to reflect the current statutes.

After discussion regarding S 2220 and State of New Jersey’s changes with the benefits for municipal employees, it was decided to remove the reference on page 17 of the handbook to S 2220 and replace it with the language stating the sick leave benefits will be paid through a manner that is consistent with state law.

**Ordinance Number 02-2012**

*An Ordinance to Amend the Staff Handbook for the City of Lambertville*

**WHEREAS**, Mayor and Council have reviewed the Staff Handbook and made amendments to reflect the recent changes in the Statutes of the State of New Jersey, and

**WHEREAS**, this handbook is not a promise of employment, and

**WHEREAS**, the City Attorney has reviewed the handbook, and

**WHEREAS**, the additions to the handbook are by recommendation of the insurance company, and

**WHEREAS**, a copy of this handbook will be provided to the employees of the City of Lambertville on an annual basis.

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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 Staff Handbook for the City of Lambertville was approved for first reading on January 17, 2012, was the subject of a public hearing on February 21, 2012, and was finally adopted 20 days after the notice of adoption was printed in the Beacon.

INTRODUCTION: January 17, 2012  
PUBLIC HEARING: February 21, 2012  
FINAL ADOPTION: March 21, 2012

18 York Street  
Lambertville, NJ 08530  
609-397-0110

**2012**

Dear Employees:

On behalf of your colleagues, I welcome you to our organization and wish you every success here.

We believe that each employee contributes directly to the organization's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the City of Lambertville.

This was adopted by the Mayor and City Council at their meeting of August 21, 1995. It is intended that this be a permanent document. Any changes will be presented to the Mayor and City Council and adopted at a regular meeting. After adoption a copy will be forwarded to each employee to be incorporated into their copy.

The City of Lambertville also recognizes PBA #343. This handbook is intended to supplement the terms and conditions of employment contained in those agreements. It is not to be interpreted as a binding contract. If you are covered by either of these agreements, please become familiar with the terms contained therein.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

David M. DelVecchio  
Mayor

INTRODUCED: January 17, 2012  
PUBLIC HEARING: February 21, 2012  
FINAL ADOPTION: March 21, 2012

**DISCLAIMER**

The City wishes to make it perfectly clear to all employees that there are no promises contained in the handbook. Regardless of the language contained herein, the City promises nothing and remains free to change wages and all other working conditions and benefits, unless otherwise provided by law, without having to consult anyone and without anyone's agreement. Further, the City again, unless otherwise provided by law, continues to have the absolute power to terminate any employee with or without good cause.

**EMPLOYMENT ACKNOWLEDGEMENT FORM**

The employee handbook describes important information about this organization, and I understand that I should consult my Supervisor regarding any questions not answered in this handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Mayor and City Council have the ability to adopt any revisions to the policies in this handbook.

I have entered into my employment relationship with this organization voluntarily and acknowledge that there is no specified length of employment unless granted by New Jersey Statute. Accordingly, either I or the organization can terminate the relationship without cause, at any time.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revision made to it.

\_\_\_\_\_  
**Employee's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee's Name (Typed or Printed)**

**INTRODUCTORY STATEMENT**

This handbook is designed to acquaint you with the organization and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the employer to benefit employees. One of our objectives is to provide a work environment that is conducive to personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the organization continues to grow, the need may arise to change policies described in the handbook. The employer therefore reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

The State of New Jersey is an at-will employment state and as such, this handbook shall not be considered a binding contract.

The objectives of the Mayor and Council of the City of Lambertville in the management of personnel matters are as follows:

1. To maintain the high reputation of the government as an employer and to contribute to constructive community relations.
2. To maintain a public service of high competence and character.
3. To utilize all personnel wisely and economically.
4. To expect and require employees to do the best work of which they are able; to be loyal and conscientious; to present and conduct themselves in a proper manner; and to treat all with whom they come in contact with consideration and courtesy.
5. To provide employees with proper supervision, instruction and working conditions so that they may render the best possible service.
6. To treat employees, individually and in groups, equitably and fairly; to help them achieve personal satisfaction and pride in their work; and to enhance their opportunities for career advancement through training and utilization of their abilities.
7. To impress on all employees that at all times they are serving the taxpayers of the City of Lambertville.

## **ARTICLE I. NATURE OF EMPLOYMENT**

This handbook is intended to provide employees with a general understanding of our personnel policies and is not an employment contract or intended to create contractual obligations of any kind. Neither the employee nor the organization is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with this organization.

In order to retain necessary flexibility in the administration of policies and procedures, the employer reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook. The only recognized deviations from the stated policies are those authorized and signed by the chief executive officer of this organization.

### **I) AMERICANS WITH DISABILITIES ACT POLICY**

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, the City of Lambertville does not discriminate based on disability. The City of Lambertville will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the City of Lambertville to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions or privileges of employment on the basis of a known or perceived disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of

the job and also provided that the accommodation does not impose undue hardship on the City of Lambertville.

The City of Lambertville and its employees shall engage in and interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the City of Lambertville and its employees. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their position. The Americans with Disabilities Act does not require the City of Lambertville to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the facilities of the City of Lambertville. Any questions concern proper assistance should be directed to the Mayor and or his designee.

## **II) EMPLOYEE RELATIONS**

The employer believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in government service. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the organization amply demonstrates its commitment to employees by responding effectively to employee concerns.

## **III) EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of this organization that employment decisions shall be based on merit, qualifications, and competence. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's race, color, religion, sex, national origin, age, or any other characteristic protected by law. In addition, it is the employer's police to provide an environment that is free of unlawful harassment of any king, including that which is sexual, age-related, or ethnic. This policy governs all aspects of employment, promotion, assignment, discharge, and other terms and conditions of employment.

The City will employ no one less than 14 years of age. Persons aged 14 to 17 may be employed only in positions that do not involve hazardous work or involve operating power driven-equipment. Parental permission must be established and working papers must be obtained.

## **IV) HIRING OF RELATIVES**

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, promotions, demotions, disciplinary actions and discharge.

In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

It is this organization's policy that relatives of persons currently employed by the organization may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority within the organization.

If already employed, they cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is defined to include spouses, parents, children, brothers, sisters, brothers-in-law and sisters-in-law, fathers-in-law and mothers-in-law, stepparents, stepbrothers, stepsisters, and stepchildren. This policy also applies to individuals who are not legally related but who reside with another employee.

#### V) PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

After a full-time job offer is extended and before beginning work, each Public Works employee must undergo a pre-employment physical examination performed at the employer's expense by a physician at the Phillips-Barber Family Health Center.

Offers of employment and assignment to job duties are contingent upon satisfactory completion of the physical examination.

#### VI) IMMIGRATION LAW COMPLIANCE

This organization complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and aliens who are authorized to work in the United States.

As a condition of employment, each new employee prior to assuming their duties must properly complete, sign, and date the first section of the Immigration Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed, an I-9 is more than three years old, or if their previous I-9 is no longer valid.

#### VII) CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the employer wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage, civil union or domestic partners.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to the City Clerk in writing as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which this organization does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the organization.

The City of Lambertville is chartered under The Faulkner Act and pursuant to N.J.S.A. 40:69A-163 "No officer or employee elected or appointed in any municipality shall be interested directly or indirectly in any

contract or job for work or materials, or the profits thereof, to be furnished or performed for the municipality...”

The materials, products, designs, plans, ideas, and data of this organization are the property of the employer and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge.

#### VIII) OUTSIDE EMPLOYMENT

The City requires all employees who wish to seek part time employment to file a notice with their immediate supervisor prior to the acceptance of the position. Employees may hold outside jobs as long as they meet the performance standards of their job with this organization. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the employer’s scheduling demands, regardless of any existing outside work requirements.

If the employer determines that an employee’s outside work interferes with performance or the ability to meet the requirements of this organization as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with this organization.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the organization for materials produced or services rendered while performing their jobs.

*Reference: Outside employment is referenced under Timekeeping.*

#### IX) NON-DISCLOSURE

The protection of confidential business information and trade secrets is vital to the interests and the success of this organization. Such confidential information includes but is not limited to the following examples:

- Financial information
- Labor relations strategies
- Pending projects and proposals

Any employee who discloses trade secrets or confidential business information will be subject to disciplinary action (including possible discharge), even if he or she does not actually benefit from the disclosed information.

### **Article II. EMPLOYMENT CATEGORIES**

It is the intent of the employer to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the employer.

Each employee is designated as either **Nonexempt** or **Exempt** from federal and state wage and hour laws. **Nonexempt** employees are entitled to overtime pay under the specific provisions of federal and state laws. **Exempt** employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee, subject to the definition included in the approved contracts, will belong to one other employment category:

**Regular Full-Time** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work the organization's full-time schedule. Generally, they are eligible for the employer's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**Part-Time** employees are those who are not assigned to a temporary or probationary status and who are schedule to work less than 32.5 hours per week. While they do receive all legally-mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for employer's other benefit programs.

**Probationary** employees are those who performance is being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification.

**Temporary** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for employer's other benefit programs.

#### I) ACCESS TO PERSONNEL FILES

Personnel files are the property of the employer, and access to the information they contain is restricted. Generally, only officials and representatives of the employer who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review the contents of their personnel folder but not that of other employees. Any such review shall be done in the City Clerk's office and in the presence of the City Clerk.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the municipality's premises in the presence of the City Clerk or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the municipality may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The municipality endeavors to maintain the privacy of personnel records. There are limited circumstances in which the municipality will release information contained in personnel or medical records to persons outside the municipality. These circumstances include:

- In response to a valid subpoena, court order or order of authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the municipality's compliance with applicable law;

- To the municipality's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the municipality are parties;
- In a workers' compensation proceeding;
- To administer benefits plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled: "Requests for Employment Verification and Reference Procedure."

## II) EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the organization are well qualified and have a strong potential to be productive and successful, it is the policy of the employer to check the employment references of all applicants.

The Executive Offices will respond in writing only to those reference-check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

## III) PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the employer of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

## IV) PROBATIONARY PERIOD

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The employer uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the employer may end the employment relationship at will at any time during or after the probationary period, with or without cause or advance notice.

All new and rehired employees work on a probationary basis for the first 90 calendar days after their date of hire. Any significant absence will automatically extend a probationary period by the length of the absence. If the employer determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period.

In cases of promotions or transfers within the organization, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the organization's needs.

Upon satisfactory completion of the initial probationary period, employees enter the "regular" employment classification.

During the initial probationary period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other employer-provided benefits, subject to the terms and conditions of each benefits program. New hires must be employed by the City of Lambertville for a period of one year prior to being considered for a raise. Employees should read the information for each specific benefit program for the details on eligibility requirements.

Employment status is not changed during the secondary probationary period that result from a promotion or transfer within the organization.

**V) EMPLOYMENT APPLICATIONS**

The employer relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the employer's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**VI) PERFORMANCE EVALUATION**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the probationary period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance review are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

**ARTICLE III.SALARY AND WAGE ORDINANCE**

**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:

Police Director	\$50,000 - \$80,000
Senior Police Administrative Assistant	\$23,000 - \$40,000
Secretary, Part-time	\$11.00 - \$18.00 per hour
Crossing Guard	\$10.00 - \$15.00 per hour
Parking Enforcement Officer, Full Time	\$12.00 - \$20.00 per hour
Parking Enforcement Officer, Part-time	\$11.00 - \$18.00 per hour
Class I Special Police Officer	\$11.00 - \$15.00 per hour
Police Officer, Part-time	\$12.00 - \$45.00 per hour
Matron	\$12.00 - \$30.00 per hour
Court Administrator	\$26,000 - \$45,000
Deputy Court Administrator Part Time	\$11.00 - \$20.00 per hour
Municipal Court Judge	\$10,000 - \$20,000
Municipal Court Judge, DWI	\$110.00 - \$150.00 per hour
Chief Financial Officer/Director of Finance	\$7,000 - \$55,000 or \$29 to 60 per hour
Tax Collector	\$25,000 - \$43,000
Tax Assessor	\$20,000 - \$35,000
Tax Assessor, Reassessment work	\$5,000 - \$10,000

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City Council	\$1,000 - \$7,499
Municipal Clerk	\$50,000 - \$75,000
Administrative Assistants	\$20,000 - \$35,000
Bookkeeper	\$20,000 - \$35,000
Planning Board Administrative Officer	\$3,000 - \$7,000
Zoning Board Administrative Officer	\$3,000 - \$7,000
Zoning Officer	\$4,000 - \$8,000
Construction Code Official	\$17,000 - \$45,000
Electric Subcode Official	\$9,000 - \$15,000
Plumbing Subcode Official	\$4,000 - \$20,000
Fire Subcode Official	\$4,000 - \$13,000
Fire Prevention Official	\$10,000 - \$18,000
Sub Code Officials – Hourly Rate	\$18.00- \$40.00 per hour
Fire Prevention Secretary	\$10.00 - \$18.00 per hour
Construction Control Person	\$18,000 - \$35,000
Substitute Official/Inspector	\$18.00 - \$40.00 per hour
Custodian	\$11.00 - \$20.00 per hour
Public Works Director	\$26.00 - \$50.00 per hour
Public Works Foreman	\$16.00 - \$40.00 per hour
Solid Waste Driver	\$15.00 - \$30.00 per hour
Solid Waste Collector	\$5.15 - \$10.00 per hour
Truck Driver/Labor	\$14.00 - \$25.00 per hour
Labor	\$14.00 - \$25.00 per hour
Public Works Operator	\$15.00 - \$30.00 per hour
Librarian	\$18.00 - \$30.00 per hour
Children’s Librarian	\$14.00 – \$25.00 per hour
Library Assistant	\$7.00 - \$20.00 per hour
Public Assistance Director	\$7,000 - \$30,000
Animal Control Officer	\$4,000 - \$9,500
Historic Commission Secretary	\$250 - \$500
Hourly Rate for Part Time Work	\$11.00 - \$40.00 per hour

WHEREAS, the establishment of a hourly rate is needed for positions that may not fall into a category listed above or to compensate an employee for work completed on an Inter Local Agreement, and

WHEREAS, Mayor and Council recognize there is a need from time to time to hire a qualified individual to complete a job or tasks within the City of Lambertville.

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: January 18, 2011  
 Public Hearing and Final Adoption: February 22, 2011

**PUBLIC WORKS** – *Ordinance 2005-22 adopted at the regularly scheduled session of Mayor and Council of November 21, 2005.*

When a public works employee is required to drive the trash truck or the recycling truck and supervises inmates, the employee shall receive the rate of pay as a solid waste driver.

**POLICE OFFICERS** – are governed under the Collective Bargaining Agreement.

**ARTICLE IV. EMPLOYEE BENEFITS**

QUALIFICATIONS: Hourly employees whose regular workweek is 32.5 hours or more:

- I) MEDICAL: Full medical hospitalization coverage through the State Health Benefits Plan pursuant to their regulations and Chapter 2, P.L. 2010, Local Unit Health Benefits Programs.
  
- II) FLEXIBLE SPENDING ACCOUNT: The Employees of the City of Lambertville full-time employees will be offered a Flexible Spending Account or Section 125 Cafeteria Plan beginning January 1, 2012, in accordance with the regulations of Chapter 2, P.L. 2010, Local Unit Health Benefits Programs. The annual limit and plans offered to employees will be set by resolution adopted by the Governing Body.
  
- II) CO-PAY PRESCRIPTION COVERAGE as administered by the City: limited to payment of the first \$100.00 of the annual premium per employee.

III) BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee.

The employer provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

- IV) PERSONAL DAYS: Three personal leave days per year with full salary paid, to be used during the calendar year. These shall not be cumulative.

- V) HOLIDAYS: The following holidays with full salary paid:

New Year's Day	Martin Luther King Day
Lincoln's Birthday	President's Day
Good Friday	Memorial Day
Independence Day	Labor Day
Columbus Day	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	

- IV) VACATION DAYS: Vacation days with full pay pursuant to the following schedule.

One-half day per month during the first year of employment.

Ten days during each of the next two calendar years.

Twelve days during each of the next two calendar years.

Fifteen days during each of the next ten calendar years.

Twenty days each calendar year thereafter.

V) SICK LEAVE BENEFITS –

All employees hired before January 1, 1996 will be eligible for payment for unused sick days upon retirement, paid pursuant to the following schedule:

Credit for unused days shall accrue from one year to the next. Upon retirement in good standing, payment will be made for unused sick days with the maximum payment being \$15,000, and will be consistent with State of New Jersey laws which govern employee benefits for municipal employees.

All employees hired after January 1, 1996 will not be eligible for any payment for unused sick days upon retirement.

- a. One day for each full month of service during the first twelve months of employment.
- b. One and one-quarter days for each full month of employment thereafter.

All employees are prohibited from using six or more consecutive days of accumulated sick leave without a written medical note.

An employee who has been indicted for a crime that involves or touches their office requires forfeiture of any supplemental compensation if the employee is convicted of said crime.

If an employee opts not to be enrolled in the City's hospitalization and medical insurance program, the City will reimburse the employee, based on SHBP waiver rules, the following:

<u>Plan Coverage:</u>	<u>Amount:</u>
Employee Coverage	\$2,000 per year
Employee and Child Coverage	\$2,700 per year
Employee and Spouse Coverage	\$4,625 per year
Family Coverage	\$4,925 per year

The payment shall be prorated on a bi-weekly basis and paid to the Employee each pay period. The first payment is due in the first paycheck, one (1) month after the Employee withdraws from the program or opts not to be enrolled and any premium due for the Employee is cancelled. Payments will continue so long as the Employee is employed by the City of Lambertville and the Employee is not enrolled in the City's hospitalization and medical insurance benefit program. An Employee opting to resume these benefits must comply with the program requirements.

Employees who are out on family leave, extended sick leave or disability, the sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, shift differentials or health benefit waiver compensation (March 2010).

Any violations of this section would be noted in the employees file and may result in suspension. Upon the third violation, the employee may face termination for good cause.

VI) WORKERS' COMPENSATION INSURANCE

The employer provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury or illness should inform his or her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the injury to the employee is urgent or life threatening, emergency medical personnel at the scene will make the determination as to the appropriate medical facility that the injured employee should be taken to for treatment. As soon as possible, the employee and/or Department Head should submit the incident report to the City Clerk. Any further medical treatment required as a result of the injury will be requested by the physician and authorized by the carrier in accordance with the Worker's Compensation Law.

If the injury is of a non-urgent nature, the employee should obtain an initial treatment referral form filled out by the Department Head. The employee should then be referred to Phillips-Barber Family Health Center.

Neither the employer nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the employer.

#### VII) TIME OFF TO VOTE

The employer encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide election during his or her nonworking hours, the employer will grant up to one hour of unpaid time off to vote. Employees should request time off to vote from their supervisor at least two working days prior to election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

#### VIII) BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately.

Up to five days of paid bereavement leave will be provided to eligible employees in the following classification(s):

##### Regular Full-Time Employees

All full-time employees shall be granted leave with pay upon the death of a member of the family. Each leave shall be taken between the day of death and up to and including the third day after the burial based upon the following schedule:

- a) A maximum of five working days shall be granted for the death of a spouse, life partner, grandparent, parent, sibling or child; spouse's parent, child or sibling or other relative residing in the household.
- b) One working day shall be granted for the death of an aunt or uncle.

#### IX) JURY DUTY

The employer encourages employees to fulfill their civic responsibilities by serving jury duty, either Grand or petit, when required. Employees who have completed a minimum of 30 calendar days of service in an eligible classification may request up to two weeks of paid jury duty leave over any one- year period. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

##### Regular Full-Time Employees

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If an employee is required to serve jury duty beyond the period of paid jury duty leave, he or she may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

Either the employer or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

The employer will continue to provide health insurance benefits for the full term of the jury duty absence. Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during unpaid jury duty leave.

X) WITNESS DUTY

The employer encourages employees to appear in court for witness duty when subpoenaed to do so.

If the employee has been subpoenaed as a witness by the employer, he or she will receive paid time off for the entire period of witness duty.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the employer. Employees are free to use any available paid leave benefit (e.g., vacation leave) to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

XI) LIFE INSURANCE

Group Life Insurance is provided by the Police and Firemen's Retirement System at no cost to the members of the Lambertville Police Department.

All other employees enrolled in the Public Employees Retirement System are provided group life insurance on both a contributory and a non-contributory basis. During the first twelve (12) months of service, an employee is required to contribute 0.55% of his or her base annual salary and receives a life insurance benefit of 3 times their annual salary. Thereafter, the employee may choose lesser coverage at a cost of 0.55% of salary deduction. An application for withdrawal from the Contributory Insurance Program can be obtained from the City Clerk's Office.

Upon retirement, application can be made to The Prudential Insurance Company for conversion to a paid up life insurance policy.

XII) PENSION

Social Security: All employees are covered by and match the City's contribution to Social Security (Federal Old Age, Survivors and Disability Insurance). This deduction is set by the Federal Government and currently is 7.65% of the employee's annual salary, broken into 6.20% for Social Security and 1.45% for Medicare. These deductions are shown on the pay stub.

State Administered Plans: All full time policemen are enrolled in the "Police and Firemen's Retirement System of New Jersey (PFRS)" and all other eligible employees who earn more than \$7,500.00 annually

are enrolled in the "Public Employee's Retirement System of New Jersey (PERS)". Members of PFRS and PERS contribute to their respective systems at State regulated rates. The City makes an annual contribution in an amount set by the State to keep the plans actuarially sound.

Retirement benefits at prescribed percentages of average salary are provided under both systems.

Under the PFRS, full benefits are paid upon retirement at age 55. Early retirement before that age is permitted after 25 years of service at reduced benefits. Retirement is mandatory at age 65.

Under the PERS, full benefits are paid upon retirement at age 60. Early retirement before that age is permitted after 25 years of service at reduced benefits. Questions may be directed to the Division of Pensions and Benefits at 609-292-7524.

*XIII) EDUCATION BENEFITS – amended Ordinance 2009-09 adopted at the regularly scheduled session of Mayor and Council held June 3, 2009.*

All requests, except for specifically designated police courses, for attendance at outside courses, seminars and meeting must be made in writing to the Mayor. Blanket requests may be made at budget time when the Council requests a list of training needs from each Department. A blanket approval may be given at that time.

A maximum of five (5) working days annually will be allowed for each employee to attend relevant outside activities. Luncheon meetings of 2 hours or less will not be counted assuming that one hour of that time is the employee's lunch period. Time used for outside development will be reflected on the employee's time sheet along with annual accumulated time.

There are certain State and County meetings it is assumed that specific employees will attend because of the relevance to the specific position held. Request for attendance must be made in writing to the Mayor in order to keep him or her informed of the continuing development of the employee. Approval for attendance will be made on an individual basis. Since these meetings are considered of value to the City, fees and mileage will be paid by the City. Any meetings, conferences or seminars outside of the State shall require permission from the City Council.

Requests to attend instructional sessions must receive prior approval from the Mayor. Requests should be made in writing as soon as the employee is aware of the need for the course and must state why the course is required and the costs that will be incurred.

Mileage for attending meetings and seminars related to duties will be paid at the IRS Standard Mileage Rate (\$0.51 per mile).

For courses or seminars required to obtain the credentials for a position currently held or applied for, mileage will not be paid and tuition reimbursement will be made upon satisfactory completion of the required course.

**ARTICLE V. TIMEKEEPING**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the employer to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

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The City of Lambertville prohibits employees from performing work for outside employment during the normal hours of operation or using city materials, equipment, or computers to perform work for outside employment.

Tampering, altering, or falsifying time records or recording time on another employee's time record may result in disciplinary action, including discharge.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

I) PAYDAYS – *amended Ordinance Number 2009-09 Adopted June 3, 2009*

Salary checks for all employees shall be issued on a biweekly basis unless otherwise noted.

II) GRANTS – *Ordinance 2009-09 adopted June 3, 2009.*

The Chief Financial Officer shall be entitled to receive amounts in any approved grant agreement which have been designated for financial services.

III) OVER TIME – *Ordinance 2009-09 adopted June 3, 2009.*

All hourly employees shall be paid time and one-half per hour for time worked in excess of forty hours per week. Holiday, vacation, personal and sick leave time shall not be considered as time worked for computing hours.

IV) MATRON DUTY – *Ordinance 2009-09 adopted June 3, 2009.*

When an employee is called out beyond her normal working day to serve as Matron, the employee shall receive a minimum of three hours pay at her regular hourly rate of pay.

*IV) OFF DUTY OFFICERS – Ordinance 2009-20 adopted November 16, 2009.  
Governed under the Collective Bargaining Agreement.*

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 III, Municipal Officers; Procedures; Departments, Boards and Commissions, Section 307 Procedures for Employment of Off-Duty Patrolmen,

- a. Any person or entity wishing to receive police services which the City of Lambertville is not obligated or expected to provide as part of the regular plan of police services or pursuant to its normal provisional services for traffic control at special events, may arrange to receive such services through the Office of the Police Director. Any person or entity disturbing the streets or roadways or altering the normal pattern of traffic within the City of Lambertville shall obtain a certificate from the Office of the Police Director noting that police services have been arranged or in the alternative that such services are not required. The opinion of the Director of Police shall be final.
- b. Except for unusual circumstances, all requests for such services shall be made at least fifteen (15) days in advance and in writing citing the nature of the duties to be performed, the location thereof, the dates and hours of service, the basis of payment for such service and payment in advance for the requested time.

- c. The Office of the Police Director shall administer all activities pursuant to this section.
- d. All officers of the Lambertville Police Department are authorized to perform police related services for private persons or entities on off-duty hours subject to the terms of this section. All assignments for outside services shall be on a voluntary basis.
- e. The party who made arrangements for such services shall notify the Lambertville Police Department a minimum of two (2) hours in advance of the scheduled start time or the party will be responsible for a minimum charge of two (2) hours services per individual.
- f. The charge for such services shall be based on hourly rates as established annually by the Salary and Wage Ordinance as outlined in the PBA #343 Collective Bargaining Agreement. Such rate shall include the hourly rate of the officer working plus a sum representing a reasonable approximation of the administrative cost, overhead and out of pocket expenses for equipment and supplies to the City of providing the service and shall be equal to 30% of the hourly rate established. All payments for such services shall be made to the City of Lambertville.
- g. Reserved.
- h. Payment to the officer shall be made by the Chief Financial Officer pursuant to the contract with the Lambertville Police Department (PBA #343) (Ord. #90-16, §§1-9; Ord. #95-09, §4; Ord. #202-11, §10; Ord. #202-18, §1)

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

Introduced: October 19, 2009

Public Hearing: November 16, 2009

Adopted: November 16, 2009

#### **V) EMPLOYMENT TERMINATION**

Since employment with this organization is based on mutual consent, both the employee and the employer have the right to terminate employment at will, with or without cause, at any time. Terminations are an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation** – employment termination initiated by an employee who chooses to leave the organization voluntarily.

**Discharge** – employment termination initiated by the organization.

**Medical Termination** – employment termination initiated by the employee or by the organization when an employee is unable, for health reasons, to continue to work.

**Retirement** – voluntary retirement from active employment status initiated by the employee.

The employer will generally schedule exit interviews for terminating employees. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the organization, or return of employer-owned property. Suggestions, complaints, and questions can also be voiced.

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

VI) SEVERANCE PAY

This organization does not grant severance pay to employees whose employment is terminated. However, the organization reserves the right to make exceptions to this policy in its sole and absolute discretion.

VII) PAY ADVANCES

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least three weeks prior to departing for vacation.

VIII) ADMINISTRATIVE PAY CORRECTIONS

The employer takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the employer so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the employer will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

IX) PAY DEDUCTIONS AND SETOFFS

The law requires that the employer make certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. The employer also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The employer matches the amount of Social Security and Medicare taxes paid by each employee. The Social Security deduction has a top salary limit, but the Medicare tax deduction does not.

The employer offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the employer, usually to help pay off a debt or obligation to the employer or others.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered.

**ARTICLE VI. SAFETY**

To provide a safe and healthful work environment for employees, customers, and visitors, the employer has established a workplace safety program. This program is a top priority of the organization. The success of the safety program depends on the alertness and personal commitment of all.

The employer provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or with another supervisor or manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

#### I) WORK SCHEDULE

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flextime scheduling is available in some cases to allow employees to vary their starting and ending times each day within established limits. Employees should consult their supervisor for the details of this program.

#### II) OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

#### III) USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any

questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

## **ARTICLE VII. LEAVE OF ABSENCE**

### **I) MEDICAL LEAVE**

The employer will provide unpaid medical leave to eligible employees who are temporarily unable to work due to a medical disability. Employees in the following employment classification(s) are eligible to use medical leave as described in this policy:

Regular full-time employees  
Regular part-time employees

As soon as an eligible employee becomes aware of a need for a medical leave of absence, a physician's statement must be provided verifying the medical disability and its beginning and expected ending dates. Any changes in this information should be promptly reported to the employer.

Medical disabilities include (but are not limited to) all temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Eligible employees will be granted leave for the period of the disability, up to a maximum of 30 calendar days every one year. Pending the supervisor's approval, employees may take any available sick leave or vacation leave prior to the effective date of the medical leave of absence. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days.

Subject to the terms, conditions, and limitations of the applicable plans, the employer will continue to provide health insurance benefits until the end of the first full month of medical leave. At that time, employees will become responsible for the full costs of their health insurance benefits if they wish coverage to continue. The employer will resume payment of the costs of these benefits when the employee returns to active employment.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

Employees returning from medical leave are required to provide a physician's verification of the employee's fitness to return to work. Employees who sustain a work-related injury will be eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disability.

When medical leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a medical leave, the employer cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the end of the medical leave, the employer will assume that the employee has resigned.

### **II) FAMILY LEAVE**

Family leave without pay is available to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth or adoption of a child or the illness of a child, spouse, or parent. Employees in the following employment classification(s) are eligible to use family leave described in this policy:

Regular full-time employees  
Regular part-time employees

Eligible employees may request up to four weeks of unpaid family leave over any 12-month period. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Pending the supervisor's approval, employees may take any available vacation leave prior to the effective date of the family leave of absence.

Requests for family leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the employer will continue to provide health insurance benefits until the end of the first full month of approved family leave. At that time, the employee will become responsible for the full costs of their health insurance benefits if the employee wishes coverage to continue. The employer will resume payment of the costs of these benefits when the employee returns to active employment.

Benefit accruals (e.g.) vacation, sick leave, holiday benefits) will be suspended during the leave and will resume upon return to active employment.

When family leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a family leave, the employer cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the end of the approved leave period, the employer will assume that the employee has resigned.

III) PERSONAL LEAVE – amended Ordinance 2009-09, adopted at the regularly scheduled meeting of March 20, 2000 and distributed to employees in payroll of March 20, 2000.

Personal leave requests will not be approved for recreational or vacation purposes. It is presumed that such time off will be accommodated during earned vacation time, holidays and weekends.

Personal leave without pay is available to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible use personal leave as described in this policy:

Regular full-time employees  
Regular part-time employees

Personal leave may be granted for a period of up to 30 calendar days every one year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Pending the supervisor's approval, employees may take any available sick leave or vacation leave prior to the effective date of the personal leave of absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the employer will continue to provide health insurance benefits until the end of the first full month of personal leave. At that time, employees will become responsible for the full costs of their health insurance benefits. The employer will resume payment of the costs of these benefits when the employee returns to active employment.

Accruals of benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When personal leave ends, the employee will return to the same position or to a similar one for which qualified. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a personal leave, the employer cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the employer will assume that the employee has resigned.

#### IV) MILITARY LEAVE

A military leave of absence will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits until the end of the first full month after military leave begins. At that time, employees who want to continue their coverage will become responsible for the full costs of such benefits. The employer will resume payment of these costs when the employee returns to active employment.

The accrual of benefits such as vacation, holidays, or sick leave will be suspending during the leave and will resume upon the employee's return to active employment.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reemployment in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

#### V) MATERNITY-RELATED ABSENCES

The employer will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid personal leave.

**ARTICLE VIII. EMPLOYEE CONDUCT AND WORK RULES**

**I) EMPLOYEE CONDUCT**

To assure orderly operations and provide the best possible work environment, the employer expects employees to follow rules of conduct that will protect the interests and safety of all employees and the employer.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or termination of employment.

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Sexual or other unlawful harassment
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of computers, telephones, mail system or other employer-owned equipment
- Violation of personnel policies
- Unsatisfactory performance or conduct

Employment with this organization is at the mutual consent of the employer and the employee, and either party may terminate that relationship at any time, with or without cause and with or without advance notice.

**II) DRUG AND ALCOHOL USE**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the employer.

In accordance with The Drug-Free Workplace Act of 1988, the employer must maintain a drug-free workplace. Failure to comply with this law could jeopardize government funds this organization receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the employer is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the employer may refer the employee to approved counseling or rehabilitation programs.

Any employee engaged on government contract or grant work must comply with this policy as a condition of employment. Should an employee be convicted of a drug-related crime that occurred in the workplace, he or she must notify the employer within five days of the conviction. The employer is required to notify the appropriate government agency within ten days of the conviction. Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received. Employees may use physician-prescribed medications,

provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

Any employee, who's off-duty abuse of alcohol or illegal or prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work, will be referred to a rehabilitation program and will face termination if he or she refuses to undergo rehabilitation.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all organization policies, rules, and prohibitions relating to conduct in the workplace, and if the organization will not suffer an "undue hardship" as a consequence of granting the leave.

The employer recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact your supervisor for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

### III) SEXUAL AND OTHER UNLAWFUL HARASSMENT

The employer is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, sexual orientations, race, ethnicity, age, religion, or any other legally-protected characteristic will not be tolerated. As an example, sexual conduct (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Mayor. Employees are encouraged to raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the mayor who will handle the matter in a timely and confidential manner.

Anyone engaging in sexual or other form of unlawful harassment will be subject to disciplinary action, up to and including discharge.

Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964, Section 701, et seq., as amended by 42 USCA Section 2000(e), et seq. The Mayor and Council of the City of Lambertville hereby affirm their commitment to the law and to the policy that underlies it.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature are inappropriate in the workplace particularly when:

- a. Submission to such conduct is either explicitly or inexplicably made to a term or conditions of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Because our society is sensitive to this issue and because of the desire of all employees to be treated with dignity and respect, every City of Lambertville employee is to avoid acting in a way which would or could

be interpreted as being inappropriate by either the recipient or by members of the public or objective third parties.

Any employee who feels that he or she been the recipient of an inappropriate sexual advance by another employee is to immediately report such activity to the Mayor. The Mayor is to take appropriate action and to report such activity to the members of the Council. The Mayor is to immediately intervene and come to the assistance of any employee when it appears in any given set of circumstances that his or her intervention is necessary to protect the employee's dignity and respect.

Employees are informed that it is the policy of the Mayor and Council of the City of Lambertville to protect their dignity and respect and that if they should ever be placed in circumstances where they feel uncomfortable that they are to immediately discuss the matter with the Mayor who is to be sensitive and receptive to their concerns. If the matter is not addressed to the employee's satisfaction, he or she is to discuss the matter with the Council, which will take appropriate action or assist to the extent possible. Employees are to feel free to discuss their complaints of sexual harassment with management in confidence without fear of reprisal. The Mayor and Council members are to treat any such discussion discreetly and are not to give them any notoriety. The following guidelines are available for assisting the Mayor and Council members in handling sexual harassment cases:

- a. Treat complaint in a serious vein.
- b. Find out what complainant regards as inappropriate behavior.
- c. Obtain and document the facts pertaining to the incident.
- d. If an investigation is necessary, it should be handled in a professional manner protecting the identities of all parties concerned.
- e. If the investigation results in a finding that sexual harassment did occur, corrective action should be taken immediately. In many cases, a written warning may be all that is necessary. However, appropriate corrective action should be consistent with the seriousness of the offense.

This policy statement is designed to emphasize the commitment of the Mayor and Council of the City of Lambertville to individual dignity. The Mayor and Council represent all the residents of the City. Neither the Mayor nor members of the Council nor any management individual can have absolute control over the activities of any individual employee or any third party. Every individual during the course of any day interrelates with other individuals. No one can always be as sensitive to another's feelings as is appropriate. This policy statement is designed to have employees and management individuals become as sensitive as possible to any area which is uniquely personal. However, neither the Mayor nor the Council nor any management personnel can assume responsibility for individual conduct which is not sanctioned in the workplace.

#### **IV) ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the City expects every employee, at all levels, to be reliable and to be present and ready for work during the hours specified, unless the employee is authorized to be elsewhere.

Employees are expected not to leave until the designated quitting time.

Absenteeism and tardiness place a burden on other employees and on the employer. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the Supervisor as soon as possible in advance of the anticipated tardiness or absence. It is the employee's responsibility to ensure that proper notification is given to the Supervisor.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

V) PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

VI) RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all property of the employer that is in their possession or control in the event of termination of employment, resignation, or layoff, or immediately upon request. Where permitted by applicable laws, the employer may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The employer may also take all action deemed appropriate to recover or protect its property.

VII) RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the employer. Although advance notice is not required, the employer requests at least two weeks' written resignation notice from all employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

VIII) SECURITY INSPECTIONS

The employer wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the employer prohibits the control, possession, transfer, sale, or use of such materials on its premises except for the Police Department in compliance with applicable regulations. The employer requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the employer. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the employer at any time, either with or without prior notice.

The employer likewise wishes to discourage theft or unauthorized possession of the property of employees, the employer, visitors, and citizens. To facilitate enforcement of this policy, the employer or its representative may inspect not only desks and lockers but also packages and persons entering and/or leaving the premises. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the employer's premises.

IX) SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by this organization may not solicit or distribute literature concerning the following activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

The collection of money, goods, or gifts for religious groups

The collection of money, goods, or gifts for political groups

X) DRUG TESTING

The employer is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine) to determine the illicit use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The employer will attempt to protect the confidentiality of all drug test results. Drug tests may be conducted in any of the following situations:

**Pre-Employment** – As a prequalification to assuming any position, prospective employees are required to provide a body substance sample for drug testing. This occurs in connection with the pre-employment medical examination.

**Periodic** – This testing occurs in connection with qualifying medical examinations every two years.

**Reasonable Cause** – Testing of this kind occurs when workplace behavior indicates that an employee is under the influence of drugs. Such behavior must be witnessed by at least one supervisor.

**Post-Accident** – Any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises, may be asked to provide a body substance sample.

**Random Testing** – Employees holding safety-sensitive positions may be subject to testing at any time on a random basis.

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above may result in disciplinary action, up to and including discharge.

Any driver who refuses to be tested under the provisions of the DOT regulations will not be permitted to operate a commercial motor vehicle. Any driver who tests positive for drugs will be immediately disqualified and taken off the road. Where test results are positive, the driver will be advised by the Medical Review Officer as to what drug was discovered.

An individual who is involuntarily relieved of duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

In cases where a positive drug test is confirmed, consideration will be given to available rehabilitation where appropriate.

An employee who tests positive and who successfully completes rehabilitation will be subject to unscheduled testing following reinstatement.

Questions concerning this policy or its administration should be directed to the Mayor.

XI) CONSCIENTIOUS EMPLOYEE PROTECTION ACT

**City of Lambertville**  
**Regularly Scheduled Session**  
**Tuesday, February 21, 2012, 6:30 p.m.**  
**Justice Center, 25 South Union Street, Lambertville**  
**Minutes**  
**Page 44**

Resolution 76-2011 adopted at the regularly scheduled session of Mayor and Council held April 20, 2011 and distributed to employees in their pay of April 22, 2011.

*A Resolution Adopting the Conscientious Employee Protection Act  
"Whistleblower Act"*

WHEREAS, New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

1. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy, or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
2. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
3. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
  - o is in violation of a law, or a rule or regulation issued under the law, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
  - o is fraudulent or criminal; or
  - o is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3

WHEREAS, the City of Lambertville has designated the following contact person to answer your questions or provide information regarding your rights and responsibilities under this act:

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 this resolution is hereby adopted, and

BE IT FURTHER RESOLVED, that a copy of the Conscientious Employee Protection Act will be distributed to each employee in the next payroll.

ADOPTED: April 20, 2011

**XII) SYSTEMS PRIVACY\***  
**(INCLUDES E-MAIL, VOICE MAIL, COMPUTER AND INTERNET USAGE POLICY)**

The city of Lambertville respects the individual privacy of its employees. However, e-mail, voicemail, Internet, City issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited. All e-mail, voice mail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

*a. Management's Right to Access Information*

Email, voicemail and computer network systems have been installed by the City of Lambertville to facilitate business communications. The contents of the systems are accessible at all times by the City of Lambertville. These systems should be treated like other shared filing systems.

Email and voicemail messages, to the extent these systems are utilized, are municipal records. The City of Lambertville reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the City of Lambertville as deemed necessary and appropriate and without prior notice. By using the City of Lambertville's e-mail, computer systems, voice mail and the Internet, each user agrees that the City of Lambertville has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

*b. Care In use of E-Mail, Voicemail, Internet and Computer Network Systems*

Employees must exercise a greater degree of caution in transmitting the City of Lambertville's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addresses are appropriate recipients of the information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images from any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor.

*c. Personal use of E-Mail, Voicemail, Internet and Computer Network Systems*

Because the City of Lambertville provides e-mail, voicemail, Internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The City of Lambertville reserves the right to access and disclose as necessary all message sent over its systems without regard to content.

Since the contents of e-mail and voicemail may be accessed by the City of Lambertville without prior notice to employees, and since the City of Lambertville can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, MySpace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the City of Lambertville if expressed or published using any other medium or in any other manner. The positing of words, phrases, photographs, images or kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the City of Lambertville. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

*d. Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications*

Employees may not use the e-mail, voicemail, Internet computer network systems, or City Issued Cell Phone or any other City issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state or local law, ordinance or regulation.

Violations of the City of Lambertville's policy of the use of e-mail, voicemail, Internet, complete network systems and City issued Cell Phone or any other City issued electronic device will subject the employee to discipline, up to and including immediate termination.

*e. Unauthorized Access*

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.

**XIII) RETIREMENT**

An employee should notify his/her Department Head and the Mayor in writing at least three (3) months before planned retirement.

Additionally, the employee should apply to the applicable State Retirement System for pensions at least three (3) months prior to his or her planned retirement. Forms to request an estimate of benefits are available from the City Clerk.

The City of Lambertville has adopted the provisions of Chapter 88, P.L.1974 whereby the City has agreed to pay the State Health Benefits Premium for employees and surviving spouses if such employee is retiring with 25 years or more of service.

**ARTICLE IX. EMPLOYMENT STATUS OF INDIVIDUALS WITH LIFE-THREATENING ILLNESSES**

The employer recognizes that employees with life-threatening illnesses, such as cancer, heart disease, or AIDS, may wish to continue their normal pursuits, including work, to the extent that their condition allows. The decision to continue work will be based on the ability to meet normal performance standards and on the receipt of satisfactory medical evidence that the employees do not present an immediate threat to themselves or others. Evaluation of the potential dangers presented by individuals with life-threatening diseases will occur on a case-by-case basis and will consider existing medical and scientific evidence.

**Article X. CIVIL RIGHTS POLICY**

*Adopted at the regularly scheduled session of Mayor and Council held May 16, 2011.*

**Resolution 84-2011**

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

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

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

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

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

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

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

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

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

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

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

**Section 8:** At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Municipality. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City of Lambertville's web site.

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

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

FIRST ADOPTED: May 16, 2011

Mayor DelVecchio opened the public hearing on Ordinance 02-2012. He asked for comments from the public. There being no questions or comments from the public, he asked for a motion to close the public hearing. Councilwoman Asaro made a motion to close the public hearing on Ordinance 02-2012. Council President Stegman 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 adoption of Ordinance 02-2012. Council President Stegman made a motion to adopt on second reading and final approval, Ordinance 02-2012. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 03-2012: *An Ordinance to Amend Chapter XI, Fire Prevention.*

Mayor DelVecchio read the Ordinance into the record by title and informed the members of public present that this ordinance is being amended due to a recent Field Monitoring Visit performed by the State of New Jersey, Department of Community Affairs. The visit confirmed the City is in compliance with the Uniform Fire Code and required section 11-1.7 be amended to reflect the current fees schedule and 5:70-2.9(c). Mayor DelVecchio opened the public hearing on Ordinance 03-2012.

**City of Lambertville**  
**Ordinance 03-2012**  
*An Ordinance to Amend CHAPTER XI, FIRE PREVENTION*

**11-1 NEW JERSEY UNIFORM FIRE CODE.**

**11-1.1 Local Enforcement.** Pursuant to N.J.S.A. 52:27-202, the New Jersey Uniform Fire Code shall be locally enforced in the City of Lambertville. (Ord. #89-04, paragraph 1)

**11-1.2 Agency Designation and Duties.**

a. The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the City. The agency shall have at least one (1) paid inspector and shall enforce the New Jersey Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the City other than owner occupied buildings used exclusively for dwelling purposes and containing fewer than three (3) dwelling units or buildings, structures, and premises owned or operated by the State and Interstate entities and their agencies, departments or instrumentalities.

b. The local enforcing agency shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Codes. (Ord. #89-04, paragraph 2)

**11-1.3 Organization.** The local enforcing agency established by subsection 11-1.2 of this section shall be a part of the City and shall be under the direct supervision and control of the Fire Official who shall report to the Mayor. (Ord. #89-04, paragraph 3)

**11-1.4 Appointments, Qualifications, Term of Office, Removal.**

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- a. *Appointment of Fire Official.* The Fire Official shall be certified by the State and shall be appointed by the Mayor with the consent of the Council.
- b. *Appointment of Inspectors and Other Employees.* Inspectors and other employees of the enforcing agency shall be appointed by the Mayor and council upon recommendation of the Fire Official. All inspectors shall be certified by the State.
- c. *Appointment of Legal Counsel.* Legal counsel to assist the agency to enforce the Uniform Fire Code shall be the City Attorney.
- d. *Term of Office.* The Fire Official shall serve for a term of three (3) years. Any vacancy shall be filled for the unexpired term.
- e. *Removal from Office.* The Fire Official shall be subject to removal by the Mayor and Council for just cause. Inspectors and other employees of the agency shall be subject to removal by the Fire Official with the consent of the Mayor and Council for just cause. All persons removed from office shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by the Mayor and Council. (Ord. #89-04, paragraph 4)

**11-1.5 Life Hazard Uses.** The local enforcing agency established by subsection 11-1.2 of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs. Permits and fees for the required inspections shall be as mandated and set forth in the New Jersey Uniform Fire Code (N.J.A.C., Title 5, Chapters 18, 18A, 18B, and Sub-Chapter 4). (Ord. #89-04, paragraph 5)

**11-1.6 Non-Life Hazard Uses.**

- a. In addition to the regulations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention, shall be inspected once per year and pay an annual fee as set forth in the Uniform Fire Code, N.J.S.A. 52:72D-192 et. seq.

*UCC Code Type*

Business Use Group

B-1 under 2500 square feet . . . . .	\$50
B-2 2500-4999 square feet . . . . .	\$75
B-3 5000-9999 square feet . . . . .	\$100
B-4 10000 and over square fee . . . . .	\$125

Factory Use Group

F-1 under 5000 square feet . . . . .	\$100
F-2 5000 and over square feet . . . . .	\$125

Mercantile Use Group

M-1 under 6000 square feet . . . . .	\$75
M-2 6000-11999 square feet . . . . .	\$150

Storage Use Group

S-1 under 2500 square feet . . . . .	\$50
S-2 2500 square feet and over . . . . .	\$100

Residential Use Group

R-1 R-2 3-6 units . . . . .	\$35
R-2 R-2 7-12 units . . . . .	\$75
R-3 R-2 13-20 units . . . . .	\$200
R-4 R-2 over 20 units . . . . .	\$400

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Smoke Detector Carbon Monoxide . . . . . \$50

*UCC Code Type*

Utilities Use Group

U-1 under 2500 square feet . . . . . \$100

U-2 2500 and over square feet . . . . . \$200

- b. Uses not classified above will be classified as business uses.
- c. Uses required to be registered with the State as life hazard uses shall not be required to register under this subsection.
- d. Any buildings, structures, or premises that are “tax exempt” according to the official tax records of the City will be exempt from the non-life hazard use registration fee. However, these buildings will be inspected as required by the Uniform Fire Code.
- e. Vacant buildings will be charged and inspected according to the previous use of the building.
- f. Residential uses shall only be inspected in the common areas. (Ord. #89-04, paragraph 6; Ord. 2001-29, paragraph 1)

**11-1.7 Permits.** In accordance with N.J.A.C. 5:70-209(c) and in accordance with the audit performed by DCA.

**11-1.8 Technical Amendments.** Reserved. (Ord. #89-04, paragraph 8)

**11-1.9 Board of Appeals.** Pursuant to N.J.S.A. 52:27D-206 and N.J.S.A. 52:27D-208 any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the local Construction Board of Appeals. If no such body exists, appeals shall be made to the County Construction Board of Appeals. (Ord. #89-04, paragraph 9)

**11-1.10 Enforcement, Violations, and Penalties.** Enforcement, violations, and penalties shall be in conformity with the Act and Regulations and Rules of the Department of Community Affairs. (Ord. #89-04, paragraph 10)

**11-1.11 Certificate of Smoke Detector Compliance.** The fee for a Certificate of Smoke Detector compliance as required by N.J.A.C. 5:70-2.3 shall be fifty (\$50.00) dollars.

**11-2 FIRE DISTRICT**

**11-2.1 Created.** There is created in the City one (1) fire district to be known and designated as “Fire District of the City of Lambertville, County of Hunterdon.” (Ord. 1/21/80, paragraph 1)

**11-2.2 Boundaries.** Geographical boundary of the fire district shall be identical with the geographical boundary of the City of Lambertville as now established or as it may be changed in the future. (Ord. 1/21/80, paragraph 2)

**11-3 FIRE ALARM SYSTEM.**

**11-3.1 Established.** There shall be as established in the City a fire alarm system with necessary wires for the same attached to the poles of the telephone, electric light and telegraph companies in accordance with the reservation in the several ordinances granting them the use and occupancy of the streets for their poles and wires. (Ord. 5/18/25, paragraph 1)

**11-3.2 Supervision.** The fire alarm system shall be constructed and controlled under the general supervision of the Chief Engineer and Board of Engineers of the City Fire Department under such rules and regulations as may hereafter be adopted or approved by the Mayor and Council. (Ord. 5/18/25, paragraph 2).

**11-4 DESIGNATION OF FIRE LANES.**

**11-4.1 Established.** Authority is hereby vested in the Fire Official, in conjunction with the Lambertville Police Department and the Fire Chief, to establish and designate fire emergency access zones on the private property of any multi-family and commercial building. (Ord. #99-01)

**11-4.2 Size and Location.** The fire lane may be up to thirty-five (35) feet in width running entirely across the frontages or faces of the buildings utilized for public ingress and egress. (Ord. #99-01)

**11-4.3 Additional Locations.** The Fire Official may, in addition, after consulting with the Chief of the Lambertville Fire Department, designate other fire lanes areas and areas designated solely for the purpose of providing ingress and egress for fire, police and other emergency apparatus. (Ord. #99-01)

**11-4.4 Purpose.** The fire emergency access lanes so designated shall be in those locations and of sufficient design as may be reasonable and required for the safety and welfare of the public, and the purpose of these lanes shall be to guarantee unimpaired ingress and egress to the multifamily and commercial buildings as well as the public parking areas in and around such buildings for fire, police and other emergency vehicles. (Ord. #99-01)

**11-4.5 Installation and Maintenance.** The lanes shall be installed by the property owner utilizing regulations signs and paint on the pavement areas, which signs and paint shall be installed and maintained by the property owners under the direction and supervision of the Lambertville Police Department and in accordance with the specifications of the Lambertville Police Department in conjunction with the recommendations of the Fire Chief. (Ord. #99-01)

**11-4.6 Parking Prohibited.** No person or any agent or employee shall park, leave standing or cause to be parking any vehicle in any lanes mentioned in this section, or cause any other obstruction in the areas so designated as fire lanes. (Ord. #99-01)

**11-4.7 Enforcement.** The Lambertville Police Department shall have concurrent jurisdiction with the Fire Official in enforcing this section. (Ord. #99-01)

**11-4.8 Violations and Penalties.** Any person found guilty of a violation of this section shall be liable to the penalties contained in N.J.S.A. 39:4-203 and court costs involved. (Ord. #99-01)

**11-4.9 Variances.** If any person seeks a variance from this section, the Fire Official shall chair a meeting with the Fire Chief, the Chairman of the Planning Board, the Mayor and the Police Director. At that meeting, representatives of such person may present concerns about the designation. Any decision will be by affirmative vote of this group. (Ord. #99-01)

**11-4.10 Vehicular Traffic Prohibited.** There shall not be allowed any vehicular traffic of any kind save for emergency vehicles on any property dedicated and designated fire lane throughout the City, whether the lanes are so designated by order of an official public agency or by owner of the private property. (Ord. #99-01)

Mayor DelVecchio asked for comments from the public. There being no questions or comments from the public, he asked for a motion to close the public hearing on Ordinance 03-2012. Councilwoman Asaro made a motion to close the public hearing on Ordinance 03-2012. 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 to adopt Ordinance 03-2012 on second reading and final approval. Councilwoman Warner made a motion to adopt Ordinance 03-2012. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 04-2012: *An Ordinance to Amend Chapter XIX, Flood Damage Prevention.*

Mayor DelVecchio read Ordinance Number 04-2012 by title into the record. He explained to the public that this ordinance amends Chapter XIX, Flood Damage Prevention and is being amended based on recommendations from the State of New Jersey's Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control. Mayor DelVecchio opened the public hearing on ordinance 04-2012.

**City of Lambertville**  
**Ordinance Number 04-2012**  
*An Ordinance to Amend Chapter XIX, Flood Damage Prevention*

**19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**19-3.2 Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study, Hunterdon County, New Jersey" dated May 2, 2012, with accompanying Flood Insurance Rate Map for Hunterdon County, New Jersey (all Jurisdictions) as shown on Index and panel(s) 34019C0339G, 34019C0402G, 34019C0406F, whose effective date is May 2, 2012

**19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

**19-5.1 General Standards.** In all areas of special flood hazards the following standards are required:

- a. *Anchoring.*
  1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. *Construction Materials and Methods.*
  1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. *Utilities.*
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters in the system;
  2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
  3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
  4. For all new construction, substantial improvement and repetitive loss properties (where technically feasible), the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**19-5.2 Specific Standards.**

- b. In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including the basement together with the attendant utilities and sanitary facilities: either
- (1) Elevated to the level of the base flood elevation; and
  - (2) Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

*Or*

- (1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3(2) (ii).

Amendments Introduced: January 17, 2012  
Public Hearing: February 21, 2012  
Final Adoption:

Mayor DeVecchio asked for comments from the public.

Curt Yeske, a writer for the Times, asked what changes were made to the ordinance. The City Clerk responded that the changes were a result of a recent audit with the State of New Jersey Department of Community Affairs and were minor. Mr. Yeske was provided with a copy of the ordinance. Mayor DelVecchio asked Mr. Yeske if he had any additional questions and he said he did not. Mayor DelVecchio asked if there were any other questions from the public.

There being no further questions, Mayor DelVecchio asked for a motion to close the public hearing. Councilwoman Asaro 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 to adopt Ordinance 04-2012 on second reading and final approval. Council President Stegman made a motion to adopt Ordinance 04-2012 on second reading and final approval. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **CORRESPONDENCE.**

**LAMBERTS HILL AT LAMBERTVILLE:** A letter inquiring about the status of the crosswalk at Cherry Street and Route 29.

**LAMBERTVILLE CHAMBER OF COMMERCE:** A Letter requesting road closures and suspended parking on Saturday and Sunday, April 28 and 29, 2012 and the closing of the North Union Street Parking Lot as follows:

**ROAD CLOSURES:** 9 AM to 8 PM, Union Street from York to Ferry, Church Street from Union to Main, Kline's Court from Bridge to Ferry, Ferry from Kline's Court to Union, and

**SUSPENDED PARKING:** Main Street from Ferry to York, Bridge Street from Lambert Lane to main, Parking lot by the Public Library, Justice Center parking lot, and  
**CLOSING OF NORTH UNION STREET PARKING LOT** from Wednesday morning, April 25 through Tuesday, May 1.

Council President Stegman commented that this request was the same in prior years.

Council President Stegman made a motion to approve the request from the Chamber of Commerce for the road closings and use of the City's parking lots. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**DELAWARE TOWNSHIP:** Notice of Adoption of Comprehensive Farmland Preservation Plan Element of the Delaware Township Master Plan.

**TOWNSHIP OF READING:** Resolution #R-2012-30, OPRA request for documents.

**WEST AMWELL TOWNSHIP:** Notice of Adoption, Ordinance 3, 2012, an Ordinance to Amend Ordinance 3, 2011 Amending Chapter 109 of the Code of the Township of West Amwell.

**STATE OF NEW JERSEY:** Proposed Amendments to the FFY2011 Priority System, Intended Use Plan, and Project Priority List.

**DELAWARE TOWNSHIP:** An Ordinance Supplementing and Amending the Land Use Ordinance of the Township of Delaware by Permitting Small Wind Energy Systems.

OFFICE OF THE HUNTERDON COUNTY ENGINEER: Municipal Participation – Surface Treatment Program – 2012. Mayor DelVecchio asked the Acting Public Works Director to review the letter and let him know if this is something the City should take advantage of.

STATE OF NEW JERSEY DEP: LMUA's Wastewater Management Plan, Block 1043, Lot 5, Adopted Amendment.

NEW JERSEY TRANSIT CORPORATION: FY 2012 Request for Federal Financial Assistance.

TOWNSHIP OF HOLLAND IN HUNTERDON COUNTY: Copy of Adopted Resolution Regarding the Need to Perform More Intensive Cutting of Vegetation, Trees and Branches above Utility Lines.

FIRST ANNUAL SHAD RUN 5k AND 1 MILE HEALTH WALK ON APRIL 21: Letter from Stoneking Physical Therapy and Wellness Center requesting approval of the First Annual Shad Run with proceeds benefitting Lambertville's Ely Park Revitalization.

Mayor DelVecchio asked the Police Director if he reviewed the request. The Police Director responded that Mr. Stoneking visited his office and discussed the initial route, which looked like it would not require police coverage. He stated that Mr. Stoneking said he would provide lead cars and monitor the runners and walkers. The City Clerk stated that she was waiting for a review from the insurance company regarding their requirements.

TOWNSHIP OF READING: Copy of Adopted Resolution in Opposition of S10-85 Forest Harvest on State Lands.

STATE OF NJ DEP, BUREAU OF DAM SAFETY: Letter regarding flooding issues in Lambertville.

## **UNFINISHED BUSINESS.**

### **Update on various construction improvement projects.**

City Hall - Attorney Faherty reported that there was nothing new to report.

North Union Street – Christina Ballard, the City's Engineer's report stated that the only remaining item is the planting of trees which will be completed in March.

### **Construction:**

South Franklin & Weeden Streets Drainage Engineering – Grant Status – results due in April 2012.

### **Update on projects for flood relief.**

Swan Creek – the grant was filed in December. We anticipate notice of awards in April.

Ely Creek – Geoffrey Gall, the Project Engineer's report stated that NJDEP has been in contact with Princeton Hydro regarding the tidegate valve and the riparian buffer impacts. Princeton Hydro is in the process of answering their questions and they do not anticipate that this will delay the process. Attorney Faherty reported that he is waiting on the language from the Taylor's attorney for the agreement for the easement.

Miscellaneous – none.

### **Update on various non-construction projects.**

SWIFT 911: Mayor DelVecchio informed the members of the public present that this is something the City will focus on after the budget is completed.

Shared Services

South County Renewable Energy Coop (SHREC): Mayor DelVecchio informed the members of the public present that the City will participate in an online auction on March 13 which will provide between 11-18% savings on the City's electric bills.

Animal Control Officer

Work Group on SHRHS

Snow Removal Plan: the final version was distributed to Mayor and Council members.

Garbage and Recycling: Mayor DelVecchio announced that the recycling for January was up by 24 tons and garbage was down by approximately 8 tons. This is a savings of approximately \$600.

### **NEW BUSINESS.**

Appointments. Division of Senior Services Representative Alternate – Tracy Compton

Mayor DelVecchio nominated Tracy Compton as the Alternate Representative to the Division of Senior Services. Council President Stegman made a motion to confirm the nomination of the Mayor of Tracy Compton as the Alternate to the Division of Senior Services. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **ANNOUNCEMENTS.**

DOG AND CAT LICENSES are due by February 29, 2012.

LANDLORD REGISTRATION will be due starting March 1, 2012.

SPECIAL COUNCIL SESSION TO INTRODUCE THE 2012 BUDGET: March 8, 2012 at the Justice Center at 6:30 p.m.

### **PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.**

Curt Yeske asked for a copy of the letter from John Moyle from the State of New Jersey's Bureau of Dam Safety. The Clerk gave him a copy.

David Burd addressed Mayor and Council and informed them about the notices provided by the Delaware River Basin Flood Advisory. He stated that the AHAP mapping was updated by google maps. The recent storms increased activity to the website which slowed down the response time. This update should resolve the problems OEM experienced during Hurricane Irene. The National Weather Service has implemented a flash flooding advisory which will help the City going forward. Mr. Burd stated that SWIFT911 is upgrading their services and it might be in the City's best interest to hold off on major campaigns until this is installed. Mayor DelVecchio asked the Clerk to set up a meeting with Mr. Burd, the Mayor and the Clerk to discuss this further.

### **ADJOURNMENT.**

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The meeting adjourned at 7:50 p.m. with a motion made by Council President Stegman and seconded by Councilman Sanders. 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 Mayor and Council held on Monday, March 19, 2012.*