

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

The meeting was called to order by Mayor DelVecchio at 6:31 p.m. with a statement of compliance with the Open Public Meetings Act, providing the required notice on Friday, May 18, 2012 to the Beacon, the Democrat, the Times, posting the agenda to the bulletin board at City Hall, the website at 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 DelVecchio.

Absent: None.

APPROVAL OF MINUTES AND ADMINISTRATIVE REPORTS.

Council President Stegman made a motion to approve the following sets of minutes as submitted: April 16, 2012 Regularly Scheduled Session Minutes, April 16, 2012 Closed Session Minutes, May 10, 2012 Special Session Minutes, and May 10, 2012 Closed Session Minutes and administrative reports: 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, Chief Financial Officer and Director of Finance – Diane Sherry Buono, and the Notice of Sale of \$5,917,830 Bond Anticipation Notes, 2012, Series A. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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 May 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 May 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: Councilwoman Asaro, Council President Stegman, Mayor DelVecchio.

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Nays: None.

Arriving at 6:35 p.m.: Councilman Sanders and Councilwoman Warner.

Mayor DelVecchio and City Council convened in closed session at 6:34 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 7:05 p.m.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

Mrs. Ege led the public in a Moment of Silence in honor of those serving their Country in the United States Armed Forces.

APPROVAL OF BILLS LIST.

Councilwoman Warner made a motion to approve the bills on the bills list (2 lists). Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS.

A PROCLAMATION BY THE MAYOR OF THE CITY OF LAMBERTVILLE,
SUPPORTING THE MAYORS WELLNESS CAMPAGIN.

*Proclamation
Supporting the Mayors Wellness Campaign*

WHEREAS, Fifty-five percent of New Jersey residents are obese or overweight, and

WHEREAS, Medial expenses for treating problems related to obesity in our state total billions annually, and

WHEREAS, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and

WHEREAS, the current generation of children in American may have shorter life expectancies than their parents, and

WHEREAS, The Mayors Wellness Campaign supports Mayors as champions of the community health, and

WHEREAS, The goal of the campaign is to improve health, reduce health care costs related to obesity, and make New Jersey a national leader in community-based health interventions, and

WHEREAS, The Mayors Wellness Campaign seeks to foster active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives, and

WHEREAS, The Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and in activity issues for the City of Lambertville,

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WHEREAS, The Mayor and Council Members of the City of Lambertville care deeply about the residents of Lambertville and the future health of its children.

NOW THEREFORE BE IT RESOLVED that I, David M. DeVecchio, Mayor of the City of Lambertville, ask that all residents of this community join me in supporting the Mayors Wellness Campaign, and

BE IT FURTHER RESOVLED that I encourage the residents of the City of Lambertville to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

ADOPTED: May 21, 2012

David M. DeVecchio
Mayor

**A PROCLAMATION HONORING KEZIAH DONNOCKER GROTH-TUFT
RECIPIENT OF THE GIRL SCOUTS GOLD AWARD.**

Mayor DeVecchio asked Keziah and her family to join him at the front of the room. Mayor DeVecchio and Council Members took turns reading the proclamation into the record.

Proclamation

WHEREAS, Keziah Donnocker Groth-Tuft, a resident of Lambertville born to Charlie Groth and Dan Tuft, sister to Adelaide Groth-Tuft, is the third generation Girl Scout and the first in her family to earn the highest award for a Girl Scout, the Gold Award, and

WHEREAS, Girl Scouting is a family affair with Keziah Groth-Tuft serving as an Ambassador with Girl Scout Troop 80567, her sister Adelaide Groth-Tuft serving as a Junior Girl Scout with Troop 80109, her mother Charlie Groth serving as the leader in Troops 80109 and 80567, and her father Dan Tuft serving as the Cookie Manager of Troop 80109, and

WHEREAS, Keziah is a Junior at the Solebury School, and a volunteer of the Lewis Fishery, the Lambertville Free and Public Library, Home Front, and the Community Kitchen, and

WHEREAS, Ms. Groth-Tuft will receive the Gold Award, a comprehensive leadership award, the highest award of the Girls Scouts of the USA, which will be presented on June 3, 2012 by the local branch, Girl Scouts Heart of New Jersey, and

WHEREAS, the project Keziah selected is called the Amistad Project / El Proyecto de Amistad, which brought Hispanic and English-speaking families together to learn about each other's language and culture for the purpose of supporting the children's friendships, and

WHEREAS, the project, funded through the sales of friendship bracelets made and sold by Keziah, was documented by a manual produced by Keziah as the last step of her project, and

WHEREAS, Keziah met with Fran Bardusco, an ESL instructor and employee of the Lambertville Free and Public Library, to organize her project, and

WHEREAS, the project was selected, researched and implemented by Keziah because of her realization of the problems that existed due to the language barrier between the parents and the friends of the students with English as a Second Language.

~~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 Keziah Donnocker Groth-Tuft is hereby congratulated on her achievement with the Girl Scouts of the USA, earning the Gold Award and wished much success with all of her future endeavors.

~~ADOPTED:~~ May 21, 2012

David M. DelVecchio, Mayor

Mayor DelVecchio asked for a motion to approve both proclamations. Keziah had an illness in the family and will attend at a later date for a formal reading of the proclamation.

Council President Stegman made a motion. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS.

The following resolutions were pulled from the agenda:

Mayor DelVecchio informed the public present that this resolution is being pulled from the consent agenda because the DRJTBC did not take action today as expected.

RESOLUTION NUMBER 94-2012: *A Resolution Authorizing the Request to Move Grant Funds to the South Franklin Street Drainage Project and Authorize Engineering.*

At the request of Barbara Petty of Fisherman's Mark:

RESOLUTION NUMBER 95-2012: *A Resolution Authorizing the Police Director and City Clerk to Sign the One Day Social Affairs Permit filed by Fisherman's Mark for the Big Screen on the Green benefit sponsored by HunterdonBucks.com.*

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

Mayor DelVecchio asked for a motion to approve the resolutions on the Consent Agenda.

RESOLUTION NUMBER 91-2012: *A Resolution to Establish and Adopt a Complete Streets Policy.*

City of Lambertville
RESOLUTION NO. 91-2012
*"A Resolution Establishing and Adopting
A Complete Streets Policy"*

Council President Stegman offered the following resolution and moved its adoption:

WHEREAS, a Complete Street is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options; and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free; providing connections to bicycling and walking trip

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generators such as employment, education, residential, recreation, retail centers and public facilities, promoting healthy lifestyles; creating more livable communities, reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the Mayor and Council of the City of Lambertville wish to implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville adopts that following Complete Streets Policy with the following goals and objectives:

- 1) Create a comprehensive, integrated, connected multi-modal network by facilitating connection to bicycling and walking trip generators such as employment, education, residential, recreational and public facilities, as well as retail and transit centers.
- 2) Provide safe and accessible accommodations for existing and future pedestrian, bicycle and transit facilities.
- 3) Establish a checklist of pedestrian, bicycle and transit accommodations such as accessible sidewalk curb ramps, crosswalks, countdown pedestrian signals, signs, curb extensions, pedestrian scale lighting, bike lanes and shoulders for consideration in each project.
- 4) Additionally, in rural areas, paved shoulders or a multi-use path shall be included in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day. Paved shoulders provide safety and operational advantages for all road users. Exemptions shall be considered for County and State designated routes such as Scenic Roads and Historic or Cultural Byways. If there is evidence of heavy pedestrian usage, then sidewalks shall be considered in the project.
- 5) Establishment of a procedure to evaluate resurfacing projects for Complete Streets inclusion according to length of project, local support, environmental constraints, right-of-way limitations, funding resources and bicycle and/or pedestrian compatibility.
- 6) Transportation facilities constructed for long-term use shall anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.
- 7) Designs shall address the need for bicyclists and pedestrians to cross corridors, as well as travel along them, in a safe, accessible and convenient manner; therefore, the design of intersections, interchanges and bridges shall anticipate use by bicyclists and pedestrians.
- 8) Bicycle and pedestrian facilities shall be designed and contracted to the best currently available standards and practices including the New Jersey Roadway Design Manual, the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's Guide for the Planning, Design and Operation of Pedestrian Facilities, the Manual of Uniform Traffic Control Devices and others as related.
- 9) Provisions shall be made for pedestrians and bicyclists when closing roads, bridges or sidewalks for construction projects as outlined in NJDOT Policy #705 – Accommodating Pedestrian and Bicycle Traffic during Construction.
- 10) Improvements shall also consider connections for Safe Routes to

Schools, Safe Routes to Transit, Transit Villages, trail crossings and areas or populations groups with limited transportation options.

- 11) Improvements shall comply with Title VII Environmental Justice, Americans with Disabilities Act (ADA) and complement the context of the surrounding community.
- 12) Exemptions to the Complete Streets Policy shall be presented for final decision to the Mayor and Council in writing and documented with supporting data that indicates the reason for the decision and are limited to the following:
 - a) Non-motorized users are prohibited on the roadway
 - b) Scarcity of population, travel and attractors, both existing and future, indicate an absence of need for such accommodations.
 - c) Detrimental environmental or social impacts outweigh the need for these accommodations.
 - d) Cost of accommodations is excessively disproportionate to cost of project.
 - e) The safety or timing of a project is compromised by the inclusion of Complete Streets.
 - f) An exemption other than those listed above must be documented with supporting data and must be approved by the Mayor and Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be sent to the Hunterdon County Board of Chosen Freeholders and all Departments and Agencies having a responsibility for or connection with projections covered by the City of Lambertville Complete Streets Policy.

ADOPTED: May 21, 2012

RESOLUTION NUMBER 92, 2012: A Resolution Supporting the Mayors Wellness Campaign.

City of Lambertville
Resolution Number 92-2012
“A Resolution Supporting the Mayors Wellness Campaign”

WHEREAS, Across New Jersey, communities are facing a rise in health care costs, and

WHEREAS, Physical activity levels have been decreasing and obesity rates increasing, and

WHEREAS, Local leaders are looking for ways to promote active living, healthy eating, and overall wellness in their communities, and

WHEREAS, The Mayors Wellness Campaign works with Mayors and key leaders to shape healthier lifestyles for the men, women and children in their communities, and

WHEREAS, Communities can work towards the goal of healthier citizens and lower health care costs by championing practices and programs that promote active living, and

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WHEREAS, The Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the City of Lambertville.

NOW THEREFORE BE IT RESOLVED, by the Council of the municipality of *[name]*, New Jersey, ask that all residents of this community join us in supporting the Mayors Wellness Campaign, and

BE IT FURTHER RESOLVED, That we encourage the residents of *the City of Lambertville* to participate in *Mayors Wellness Campaign activities* to promote exercise, eating properly and living healthier and better lives.

ADOPTED: May 21, 2012

RESOLUTION NUMBER 96-2012: A Resolution Authorizing the Temporary Decorative Lighting Fixtures to Utility Poles for the 2012 Holiday Season.

City of Lambertville
Resolution 96-2012
A Resolution Authorizing the City Clerk to File the Application with JCP&L for the Holiday Lighting of 2012

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville in the County of Hunterdon that the Mayor and City Clerk are hereby authorized to complete and sign the application with JCP&L for the 2012 holiday lighting.

ADOPTED: May 21, 2012

RESOLUTION NUMBER 97-2012: a Resolution Amending OPRA So that Citizens' Home Addresses, Phone Numbers and Email Addresses are deemed exempt from disclosure.

City of Lambertville
Resolution 97-2012
A Resolution Requesting the Governor and Legislature Amend OPRA so that Citizens' Home Addresses, Phone Numbers and Email Addresses are exempted from Disclosure

WHEREAS, in its enactment of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et. Seq., the New Jersey Legislature identified, among others, the following public policies reading government records;

- Government records shall be readily accessible for inspection, copying or examination by the citizens of the State;
- A public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy;

WHEREAS, in fact, at the time OPRA was enacted, the Legislature was so concerned with the privacy implications of OPRA upon the citizenry that it simultaneously established a temporary Privacy Study Commission ("Privacy Commission") to study the privacy issues raised by the collection, processing, use and dissemination of information by public agencies and recommend

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specific measures, including legislation, to address these issues and safeguard the privacy rights of individuals [P.L. 2011, c. 404 § 15];

WHEREAS, the Privacy Commission duly convened and submitted a report in December 2004 wherein it concluded, “The Commission believes an individual’s reasonable expectation of privacy in his or her home address and telephone number may be violated in certain circumstances when the government discloses this information to the public;”

WHEREAS, with respect to home phone numbers and addresses, the Privacy Commission made the following recommendations to the Governor and Legislature:

- Home telephone numbers, including cell phone numbers, should not be disclosed.
- Public agencies should notify individuals that their home addresses may be disclosed pursuant to OPRA request.
- Individuals should be permitted to provide an “address of record” for disclosure purposes, in addition to their home address when interacting with public agencies.
- The Governor or Legislature should establish objective guidelines defining when and from which government records home addresses should be redacted.
- Individuals should be permitted to opt out of disclosure of their home addresses.
- In the future, computer systems and applications should be programmed to collect but not disclose home addresses and telephone numbers.

WHEREAS, the Privacy Commission’s report has been ignored by successive Governors and Legislatures;

WHEREAS in the meantime, New Jersey’s courts have issued multiple decisions condoning the release of citizens’ private information;

WHEREAS, in *Renna v. County of Union*, No. A-1811-10 (App. Div. Feb. 17, 2012) the Appellate Division of the Superior Court of New Jersey held that, under the provisions of OPRA, Union County must release the names and addresses of senior citizens who sign up to receive Union County’s “Senior Newsletter;”

WHEREAS, in *Geier v. Township of Plumbstead*, No. OCN-L-3718-09 (Law Div. Oct. 27, 2009) a judge held that Plumbstead Township’s newsletter email subscription list and the home addresses of individuals filing tort claim notices with the Township must be released under OPRA;

WHEREAS, in *Atlantic County Society for the Prevention of Cruelty to Animals v. City of Absecon*, No. A-3047-07 (App. Div. June 5, 2009) a judge directed the release of a town’s list containing the names and addresses of all dog license holders;

WHEREAS, in *Burnett v. County of Bergen*, 198 N.J. 408 (2009), the New Jersey supreme Court has held that public access to records and protection of citizens’ personal information are “twin aims” and has directed the implementation of a complicated, cumbersome, burdensome, overly legalistic, seven-step balancing analysis that municipal clerks and other public records custodians must apply on a case-by-case basis to determine how to treat a records request that implicates a privacy interest;

WHEREAS, OPRA mandates the imposition of attorney fee awards against public agencies whose records custodians apply this even-step balancing analysis and, in good faith, deny records requests for citizens’ personal information, when a court subsequently decides that the records should be released;

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WHEREAS, according to the Federal Bureau of Investigation's Internet Crime Complaint Center ("IC3"), in 2009 fraudulent internet schemes cost consumers \$559.7 million;

WHEREAS, the New Jersey IC3 2010 Internet Crime Reports reflects a reported State-wide loss of \$12,396,583.13 and New Jersey ranks fourth in the nation in Internet crime complaints per 100,000 populations;

WHEREAS, fraudulent scams such as the "Grandparents Scam," sweepstakes and lottery scams, phishing/spooking and home repair scams are regularly committed against senior citizens by criminals who use senior citizens' home addresses, phone numbers and/or email addresses to perpetrate their crimes;

WHEREAS, from time to time, government obtains its citizens' home addresses, phone numbers and email addresses for various public health, safety and welfare purposes including, among countless others, reverse 911 emergency notifications; dissemination of newsletters or containing information about government programs and community news; advice about pet licensing, rabies clinics, flu shot clinics, recycling schedules and road closures; publication of senior citizen activities, juvenile recreational programs and town-wide events such as Memorial, Independence and Veteran's Day celebrations; and providing notices and agendas of public meetings;

WHEREAS, parents should be able to register their children for youth sports programs and other activities without fear that the names and addresses of their children will be subject to public dissemination;

WHEREAS, senior citizens should be able to sign up for activities at their local senior centers and receive local newsletters without fear that personal information such as their home addresses, phone numbers and email addresses will be released to those who prey on the elderly;

WHEREAS, records custodians should be able to review records requests and grant or deny them according to clear standards that do not require the advice of counsel and undergoing a seven-step overly legalistic balancing analysis that will result in the imposition of legal fees against the local government when a court rules the records custodian reached an incorrect result, albeit it utter good faith;

WHEREAS, citizens are largely unaware of the fact that availing themselves of government newsletters, notices and programs puts their personal information at risk, and as they gain awareness of this undesirable consequence, many will likely withdraw from such participation, including receipt of notices of public meetings, thereby reducing transparency in government;

WHEREAS, many commercial enterprises desire convenient and cheap access to lists of resident phone numbers, email and home addresses so that they may target their advertising; and

WHEREAS, the commercial harvesting of citizens' personal data results in taxpayers funding collection and distribution of information for commercial, non-governmental purposes in addition to the invasion of citizens' personal privacy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville as follows:

1. The Legislature and Governor should immediately adopt legislation amending OPRA so that Citizens' home addresses, phone numbers and email addresses are deemed exempt from disclosure;
2. The Clerk shall forward a copy of this resolution to Governor Chris Christie, State Senators Michael J. Doherty, Shirley Turner, Loretta Weinberg and Barbara Buono, Assemblypersons Reed Gusciora and Bonnie Watson-Coleman, the Hunterdon County

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Freeholders, the New Jersey State League of Municipalities, the New Jersey Clerks Association, the AARP, and all Hunterdon County Municipal Clerks and Union County Clerk – Joanne Rajoppi.

ATTEST:

CYNTHIA L. EGE, CITY CLERK

DAVID M. DELVECCHIO, MAYOR

RESOLUTION NUMBER 98-2012: *A Resolution Authorizing the Issuance of Two Taxi Licenses to Fernando Cruz-Perez for Lambertville Taxi, in the Amount of \$500, which will be prorated for 2012.*

City of Lambertville

RESOLUTION NUMBER 98-2012

A Resolution Authorizing the Issuance of Two Taxi Licenses to Fernando Cruz-Perez for Lambertville Taxi, in the Amount of \$500, which will be prorated for 2012.

WHEREAS, the City of Lambertville amended Chapter V, General Licensing, Taxicabs and Liveries in Ordinance 05-2012 which was finally adopted on April 18, 2012, and

WHEREAS, Resolution 57-2012 placed a hold on the issuance of all taxicab and livery licensing until Ordinance 05-2012 was finally adopted, and

WHEREAS, on April 19 and April 26, the City of Lambertville advertised the intent to sell four licenses for the operation of a taxi in the City of Lambertville, setting the minimum bid at \$500 per license, and

WHEREAS, the public auction was held at 10 AM on Wednesday, May 16, 2012 at City Hall, located at 18 York Street in the City, and

WHEREAS, Fernando Cruz-Perez purchased two licenses at a fee of \$500 for each of the two licenses, with the first year being pro-rated and the second year set at \$500 for each of the two licenses, and

WHEREAS, the bidding process was held publicly in the meeting room of 18 York Street and subsequently closed which means no other license will be issued until the auction for the 2014 calendar year.

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 two licenses for taxi cabs are hereby authorized to be issued to Fernando Cruz-Perez of Lambertville Taxi for a period of time beginning on or about June 1, 2012 and ending December 31, 2013, with year one being pro-rated, at a fee of \$500 per taxi.

BE IT FURTHER RESOLVED that Fernando Cruz-Perez is ordered to submit to all of the requirements as outlined in Ordinance Number 05-2012 and State of New Jersey A-1471, P.L. 2011, c.135, which include:

1. Full copy of the automobile insurance which lists the cars and drivers,
2. Copy of liability insurance,
3. Fingerprinting results for each of the drivers,
4. Payment for 2012,
5. Payment for 2013 on or about January 2, 2013.

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BE IT FURTHER RESOLVED that at this time, there is no designation for a Taxi Stand, which requires the approval of Mayor and Council.

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RESOLUTION NUMBER 99-2012: A Resolution Awarding the Bid to American Hose and Hydraulic Company for the Purchase of the Refurbished Garbage Truck in the Amount of \$55,000 funded through Ordinance Number 07-2012.

City of Lambertville
RESOLUTION 99-2012

“Certificate To Award of the Bid for the Purchase of the 31 Cubic Yard High Compaction Used rear Loading Body Mounted on a 1988 or newer Chassis, 2001 or newer 31 Yard Body.”

WHEREAS, the City of Lambertville advertised and subsequently received bids for the purchase of a 31 Cubic Yard High Compaction Used rear Loading Body Mounted on a 1988 or newer Chassis, 2001 or newer 31 Yard Body for Public Works on May 17, 2012; and

WHEREAS, the purchase of the 31 Cubic Yard High Compaction Used rear Loading Body Mounted on a 1988 or newer Chassis, 2001 or newer 31 Yard Body was funded through Ordinance 07-2012 which was finally adopted on April 19, 2012, and

WHEREAS, the notice to bidders was published in the April 26, 2012 issue of the Times, and

WHEREAS one (1) bid was received and is as follows:

Company	Base Bid
American Hose & Hydraulic Company	\$55,000

and;

WHEREAS, Philip J. Faherty, Attorney for the City of Lambertville, has reviewed the submitted bids and determined that **American Hose & Hydraulic Company** submitted the lowest and only bid for the purchase of 31 Cubic Yard High Compaction Used rear Loading Body Mounted on a 1988 or newer Chassis, 2001 or newer 31 Yard Body for Public Works in the amount of **\$55,000.00** and;

WHEREAS, the Chief Financial Officer has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Lambertville hereby award the purchase of a refurbished garbage truck to American Hose & Hydraulic Company.

Council President Stegman made a motion. 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 12-2012: A Bond Ordinance to Fund the South Franklin Street Drainage Project in the Amount of \$425,000, with \$170,000 provided by the State of NJ DOT, and \$248,365 from Grant Funds provided by the Delaware River Joint Toll Bridge Commission.

This Ordinance was placed on hold until we DRJTBC takes formal action.

ORDINANCES – SECOND READING AND PUBLIC HEARING.

ORDINANCE NUMBER 10-2012: *A Bond Ordinance to Fund Building Maintenance in the Amount of \$63,000 (police station, clerk’s office, tank removal, generator installation).*

Mayor DelVecchio read Ordinance Number 10-2012 into the record by title. He informed the members of the public present that this ordinance will fund various improvements to City owned property which includes: Oil tank removal at City Hall, Maintenance in the Clerk’s Office (paint, carpet, electric), installation of generator received from DRJTBC, painting of exterior of Police Department and possibly a new roof for the jail. Mayor DelVecchio commented that the most important item is the installation of the generator donated by DRJTBC which will provide power to City Hall used by the Office of Emergency Management during an emergency.

CITY OF LAMBERTVILLE, NEW JERSEY
ORDINANCE NO. 10-2012

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE CITY, APPROPRIATING \$63,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$59,850 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 \$63,000, including the sum of \$3,100 as the down payment 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 down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$59,850, 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 to be issued include undertaking of needed repairs and capital maintenance, consisting of (i) repairs, upgraded electrical outlets and related painting to offices in City Hall and the Police Station, (ii) the removal of an underground fuel tank at City Hall, and environmental remediation, if necessary, (iii) the repair and replacement of a roof at the historic jail structure, and (iv) the installation of a replacement generator, including related electrical and gas utility work, at City Hall, each as set forth in a list on file in

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the office of the City Clerk, and including all work and related materials necessary therefor or 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 several 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 8.00 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 \$59,850, 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 acquisition of the several 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 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 opened the public hearing for Ordinance 10-2012. He asked if anyone had any questions or comments. There were no questions or comments from the public.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 10-2012. Councilman Sanders made a motion to close the public hearing. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval for Ordinance 10-2012. Councilwoman Asaro made a motion to approve on second reading and final approval, Ordinance 10-2012. Councilwoman Warner seconded the motion. An Affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

TOWNSHIP OF RARITAN: A Resolution Supporting Governor Christie's Proposal to Create Veterans Haven North Facility in Hunterdon County.

TOWNSHIP OF RARITAN: A Resolution for the Restoration of the PARIS Grant Program.

TOWNSHIP OF READING: A Resolution Calling on the State Legislature and the Governor to Restore Municipal Energy Tax Receipts.

LETTER TO NEW JERSEY WATER SUPPLY: asking for maintenance on Swan Creek.

TOWNSHIP OF HOPEWELL: Resolution Calling On the State Legislature and the Governor to Restore Municipal Energy Tax Receipts.

WEST AMWELL TOWNSHIP: An Ordinance to Amend Chapter 109 of the Code of the Township Of West Amwell (Right to Farm).

MONROE TOWNSHIP: A Resolution in Support of Fair Distribution of State Aid for Education.

TOWNSHIP OF KINGWOOD: Resolutions on the Forest Harvest on State Lands, PARIS Grants Program, and Extending and Expanding Permit Extension Act.

HUNTERDON COUNTY UTILITIES AUTHORITY: Commercial and Institutional Recycling Inspection Reports.

WEST AMWELL TOWNSHIP: Resolution of NJLM for Municipal Enlistment in the Military Initiative.

TOWN OF CLINTON: A Resolution Calling on the State Legislature and the Governor to Restore Municipal Energy Tax Receipts.

STATE OF NEW JERSEY DEP: Water Use Advisory.

LULU'S RESCUE: Use of the Parking Lot at the Lambertville Station on Saturday or Sunday mornings to show case 10 dogs.

JAMIE WATSON: Letter asking for permission to use the bank parking lot on July 29, 2012 for the American Travelling Morrice, a dance show. The use is from 2:30 to 3 pm and will be solely in the covered portion of the drive through.

Council members reviewed the request of Jamie Watson from the American Travelling Morrice. Concerns were expressed for the safety of the performers and for the public. The Police Director agreed to have patrol stop by and will also have the Parking Enforcement Officer, who is trained in traffic control, on sight during the performance for traffic safety and control.

Councilman Sanders made a motion to approve the request made by Jamie Watson for use of the bank parking lot, subject to the submission of the certificate of insurance, hold harmless agreement and letter from Wells Fargo giving permission for use of the bank parking lot. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROJECT MEDICINE DROP: A program in Hunterdon County for unused prescription drug medication.

STATE OF NEW JERSEY, DOT: Letter notifying the City that our request to lower the speed limit north of Cherry Street on Route 29 from 45 to 35 has been approved by the Commissioner.

STATE OF NEW JERSEY DOT: Letter notifying the City of the Transportation Enhancement Grants.

UNFINISHED BUSINESS.

Update on various construction improvement projects.

City Hall – nothing to report.

Construction:

South Franklin & Weeden Streets Drainage – we are waiting for a decision from DRJTBC.

Parking Lot at Ely Field – Mayor DelVecchio asked the Clerk to organize a conference call with the Acting Public Works Director, Councilwoman Asaro, the Mayor and Clerk to discuss options.

Update on projects for flood relief.

Swan Creek – Grant results were due in April 2012. The City has not received anything from FEMA as of today's date.

Ely Creek – DEP Permits filed. John Miller is back and will be putting together the installation schedule.

Miscellaneous – nothing to report.

Update on various non-construction projects.

SWIFT 911 – Visit www.lambertvillenj.org - nothing to report.

Shared Services - nothing to report.

Work Group on SHRHS – Mayor DeVecchio reported that the Hunterdon County Superintendent of Schools, Jeff Scott, sent him a copy of the letter sent to the State of New Jersey recommending the study for regionalization.

Garbage and Recycling – Mayor DeVecchio reported the City is down 20.68% in tonnage for garbage and up 23.17% in recycling, representing a savings of \$2,300. Council President Stegman commented “and we did something great for the environment!” Mayor DeVecchio stated that Sparkle Week is over and we had 17 tons less than in 2011, 18 tons less than in 2010. The Acting Public Works Director was complimented on a job well done.

NEW BUSINESS.

RESIGNATION FROM SHADE TREE COMMISSION & LIBRARY BOARD OF TRUSTEES.

Council President Stegman made a motion to accept the resignation of Susan McGrath from the Shade Tree Commission and Kelley Heck from the Library Board of Trustees. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

DRIVEWAY APPLICATION: James and Paula Coll, 192 South Main Street, Block 1048, Lot 47.

Mayor DeVecchio asked if the applicant was present to discuss the driveway application for 192 South Main Street, Block 1048, Lot 47.

Attorney Faherty reviewed the documentation submitted and determined that the City needed to have a certification from the property owner for the notice provided to the property owners within 200 feet of 192 South Main Street. The Clerk informed the members present that no complaints were filed in her office.

Councilman Sanders made a motion to approve/deny the driveway application made by James and Paula Coll of 192 South Main Street, subject to the submission of the certification by the property owner that service was provided to those listed on the Certified List. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

LMUA – Odor Issue – Tom Horn – Executive Director of the LMUA, Eric Richards – Chairperson for the LMUA, and other members of the board were present to discuss the odor issue and the findings of the tracking recorded.

Chairperson of the LMUA, Eric Richard addressed Mayor, Council Members and the public present. He passed out a list of 21 projects undertaken by the LMUA to mediate the odor issue. Mr. Richard introduced Howard Matteson, the Engineer for the LMUA. Mr. Richard stated this is the largest Odor Mediation project in the history of the LMUA, which cost \$1.2 million dollars, a substantial amount since the operating budget for the LMUA is only \$1.8 million dollars. Since January of 2011 the LMUA is doing more with less and with no increase to the user fees. Out of the 21 projects listed, 16 have been fully implemented. They are currently in the

Bio Solids Remediation Project which has five phases and expect this to be completed by the end of the first quarter in 2013.

Mr. Richards stated that the Bioxide feed is put into the flow at Lambertville and Stockton and Bucks County. He reported that they have not had any complaints recently about the odor problem which leads them to believe they have made progress. The last complaint received was May 13th.

Mayor DelVecchio asked if they are confident that they will be successful. Mr. Richard responded that once the Bio Solids are implemented we will have a much happier community. Mayor DelVecchio asked "What if it doesn't work?" Mr. Richard said the only thing left would be to put a cap over the facility which will cost \$7 to 8 million dollars. He informed Mayor and Council and the public present that the Odor issue was the number one priority for the LMUA. He asked if he could come back in September to give an update on their progress.

Council President Stegman asked if they compared the complaints received in 2011 to those received in 2012. Tom Horn, the Executive Director of the LMUA stated that they had no complaints in May of 2012 and they were intermittent from November 2011 on.

Mayor DelVecchio asked the representatives from the LMUA to send out a press release to the community regarding their projects. He said we would post it to the City's website.

Council President Stegman asked Mr. Richard when the Bio Solid Project is complete if they will supplement it. Mr. Richard said they would continue to monitor it.

Councilman Sanders asked about the measures taken, the cost drivers implemented to remediate the odor issue. Mr. Richard stated they would use the chemical feed at the plant and the North Union Street pumping station. The Bio Solids go to Atlantic City and are incinerated. Their personnel will complete the activities rather than contracting out.

Janine MacGregor commented that the LMUA is committed to resolving this issue.

Mayor DelVecchio thanked the members present representing the LMUA for coming to the meeting and for the update.

ANNOUNCEMENTS.

REDEDICATION OF THE STATUTE AT Mary Sheridan Park is scheduled for 7:30 p.m. on May 23, 2012.

FOOD LICENSE RENEWALS are due June 1, 2012.

VENDING MACHINE LICENSES are due June 1, 2012.

ABC LICENSE RENEWALS are due June 1, 2012.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

NONE.

ADJOURNMENT.

The meeting adjourned at 8:02 p.m. with a motion made by Council President Stegman and seconded by Councilwoman Warner. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege
CMR, RMC, City Clerk

Approved at the regularly scheduled session of Mayor and Council held on Monday, June 18, 2012.