

City of Lambertville
Special Session of Mayor and Council
Monday, June 25, 2012, 7 PM
Justice Center, 25 South Union Street, Lambertville
MINUTES

The meeting was called to order by Mayor DeVecchio at 7:02 p.m. with a statement of compliance with the open public meeting act, providing the required notice on Thursday, June 21, 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 (by phone) and Mayor DeVecchio.

Absent: None.

PLEDGE OF ALLEGIANCE.

Lester Myers, the Acting Public Works Director and West Amwell resident 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.

RESOLUTIONS.

RESOLUTION TO GO INTO CLOSED SESSION TO DISCUSS CONTRACTS, PERSONNEL, ACQUISITION OF PROPERTY AND POSSIBLE LITIGATION – NOT REQUIRED.

RESOLUTION NUMBER 94- 2012: A Resolution Authorizing the Mayor and Clerk to Sign the Grant Agreement with the DRJTBC in the amount of \$248,365 for the Preliminary Engineering for South Franklin Street.

Mayor DeVecchio informed the members of the public present that this resolution will authorize the Mayor and City Clerk to sign the contract with the DRJTBC in the amount of \$248,365 for the drainage project on South Franklin Street. This is for the reallocation of funds not used in prior grant project provided by the Delaware River Joint Toll Bridge Commission which was approved by the Authority's Unit of the Governor's Office.

City of Lambertville
Resolution Number 94-2012

A Resolution Authorizing the Grant Agreement with the DRJTBC for the Drainage Project South Franklin Street Drainage

WHEREAS, the City of Lambertville's project known as the South Franklin Street Drainage Project will benefit the residents on South Franklin Street, Weeden Street and South Main Street in the City of Lambertville, and

WHEREAS, the preliminary engineering was completed utilizing the balance of funds for the Blair Tract Reconstruction Project approved by the Delaware River Joint Toll Bridge Commission, Grant Number 2008-4, and

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WHEREAS, on May 21, 2012, the Delaware River Joint Toll Bridge Commission approved the City's request to utilize \$248,365 of the funds reserved in various grants for the South Franklin Street Drainage Project as follows:

Grant Number	Street	Grant Amount	Amount Expended	Balance Left Over	Status
NJ-LMBRT					
	Mt. Hope Street	\$160,000	\$155,132.50	4,867.50	Closed.
2005-01	Ferry Street	\$208,000	\$196,145.81	11,854.19	Closed.
2006-01	Quarry/Swan Street	\$500,000	498,765.81	1,234.19	Closed 02-09-12
2008-4	Blair Tract	\$334,500	276,404.07	58,095.93	Filed 10-26-10
2008-4	South Franklin Street Preliminary Engineering/Survey	REALLOCATION OF FUNDS	12,300.00	-12,300.00	Project completed, final submission is pending.
2008-1	Kline's Court	\$70,000	67,057.88	2,942.12	Filed 10-26-10
2009-02	Delevan Street	\$497,200	420,915.00	76,285.00	Project completed, final submission is pending.
2009-05	McCready's Alley	\$147,000	110,004.92	36,995.08	Filed 10-20-11
2010-1	Perry Street	\$349,200	312,708.05	36,491.95	Filed 02-28-12
200-15	South Franklin Street Traffic Calming	\$104,800	72,901.91	31,898.09	Filed 02-28-12

WHEREAS, the City Engineer estimates the project will cost the City \$690,000 to fund the drainage project, and

WHEREAS the project will be paid for through the following means:

- NJDOT Grant in the amount of \$170,000,
- DRJTBC Grant in the amount of \$248,365
- City Bonds and Notes in the amount of \$271,635

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey, that the application for the drainage project is hereby approved in the amount of \$248,365 with the Delaware River Joint Toll Bridge Commission.

BE IT FURTHER RESOVLED that the Mayor and Clerk are hereby authorized to sign the Compact Authorization Investment Program Grant Agreement with the Delaware River Joint Toll Bridge Commission for the project titled South Franklin Street Drainage.

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized to proceed with the engineering of the project and is further authorized to file the paperwork necessary to complete the project by December 31, 2012.

ADOPTED: June 25, 2012

Mayor DelVecchio asked if there were any questions from the public. There being no questions or comments from the public, Mayor DelVecchio asked for a motion to adopt Resolution Number 94-2012. Councilman Sanders made a motion to adopt Resolution Number 94-2012. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE – FIRST READING (*public hearing is scheduled for July 16*).

ORDINANCE NUMBER 12-2012: *A Bond Ordinance in the Amount of \$795,000 to fund the South Franklin Drainage Project; Upgrades to Ely Field.*

Mayor DelVecchio informed the members of the public present that this Ordinance will fund the drainage project on South Franklin Street in the amount of \$700,000, new light poles at Ely Field in the amount of \$50,000 and the parking lot at Ely Field in the amount of \$41,000. The drainage project on South Franklin Street is partially funded by a grant received from NJDOT in the amount of \$170,000 and the reallocation of prior grants from the Delaware River Joint Toll Bridge Commission in the amount of \$248,365. The light poles at Ely Field are in dire need of replacement with four in very bad shape. The Engineer is looking into permanent poles which are made out of steel. Councilwoman Asaro said the parking lot at Ely Field by the Tot Lot will be reconstructed using alternatives to paving. It will be constructed with quarry processed/crushed stone which is compacted.

Mayor DelVecchio asked the Clerk to obtain a schedule from the Engineer so that the City could schedule a meeting with the residents.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 12-2012

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, APPROPRIATING \$795,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$790,250 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 several 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 several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$795,000, including a grant of \$170,000 to be received by the City on a reimbursement basis from the New Jersey Department of Transportation and a grant of \$248,365 to be received by the City on a reimbursement basis from the Delaware River Joint Toll Bridge Commission (collectively, the "State Grants"), each made available to the City to undertake the improvement set forth in Section 3A(III) hereof. As to the \$700,000 appropriated to undertake the improvement set forth in Section 3A(III) hereof, no down payment is required because the projects set forth in Section 3 are being funded in part by the State Grants pursuant to N.J.S.A. 40A:2-11(c). For the projects set forth in Sections 3(A)(I) and 3(A)(II), there is hereby appropriated the sum of \$4,750, which is available from the City's Capital Improvement Fund.

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Section 2. In order to finance the cost of the several improvements or purposes 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 \$790,250 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 are as follows:

I. **Purpose.** Construction of a parking lot at Ely Field, including all work and related materials necessary thereof or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$45,000.00
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$42,750.00
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$2,250.00

II. **Purpose.** Replacement of Outdoor Lighting Poles and repair and re-installation of lighting fixtures at Ely Field, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$50,000.00
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$47,500.00
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$2,500.00

III. **Purpose.** Undertaking the South Franklin Street drainage project, as more fully set forth in the project summary prepared by the City Engineer and on file in the Office of the City Clerk, and including all work and related materials necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$700,000.00
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$700,000.00
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$0.00

(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:

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(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 37.23 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 \$790,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 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, including the State Grants, 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 DeVecchio asked if there were any questions from the public.

Jeff Apoian of South Franklin Street asked if the road would be paved. Mayor DeVecchio commented that it was not part of the plan for several reasons, which include: change the current character of the neighborhood, increased runoff, the road would need to be widened, and it would increase the amount of the project.

There being no further questions from the public, Mayor DeVecchio asked for a motion to introduce Ordinance Number 12-2012 in the amount of \$795,000. Councilwoman Warner made a motion to introduce Ordinance Number 12-2012. 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 July 16, 2012.

APPOINTMENTS.

Mayor DelVecchio made the following nominations: Environmental Commission – Julie Anne Hajdusek and Shade Tree Commission – Deborah Galen. Councilwoman Asaro made a motion to confirm the nomination of the Mayor. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

UNITED WATER: Mayor DelVecchio informed the Council Members and public that United Water had released a report and Jackie and Vince Uhl were looking into the findings to determine what that meant for the residents.

ANNOUNCEMENTS – NONE.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

Jeff Apoian asked the Mayor if the City had a tree ordinance which prohibits the removal of trees. Mayor DelVecchio explained that the Planning Board is currently looking at a proposed ordinance.

LAMBERTVILLE TAXI: Mayor DelVecchio introduced Fernando Cruz, the owner and operator of Lambertville Taxi. He informed members of the public that the City made changes to the Ordinance as prescribed by law and held an auction for the Taxi Licenses and Lambertville Taxi was the only participant. The City advised prior licensees of the auction and changes in the law and ordinance; however, they chose to not participate.

ADJOURNMENT.

The meeting adjourned at 7:31 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Asaro. An affirmative voice vote was taken by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege
CMR, RMC, City Clerk

Approved at the regularly scheduled session held on Monday, July 16, 2012.