

City of Lambertville
Regularly Scheduled Session of Mayor and Council
Monday, August 20, 2012, 6:30 PM
Justice Center, 25 South Union Street, Lambertville
MINUTES

The meeting was called to order by Mayor DelVecchio at 6:32 p.m. with a statement of compliance with the Open Public Meetings Act, providing the required notice on Friday, August 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, 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 (arrived at 6:45 p.m.), Councilman Sanders, Council President Stegman, Mayor DelVecchio.

Absent: Councilwoman Warner

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 August 20, 2012 Session of the Lambertville City Council Meeting to Discuss Contracts, Personnel, Acquisition of Property, Possible Litigation”

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on August 20, 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, Council President Stegman, Mayor DelVecchio

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 6:35 p.m.

Mayor DelVecchio and City Council re-convened in regular session at 6:45 p.m.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

RESOLUTION OF SUPPORT

RABBI ELI KORNFELD, HEAD OF CHABAD OF HUNTERDON COUNTY

WHEREAS, Last week, in Clinton Township, an unknown person or persons drew a swastika on the driveway of Rabbi Eli Kornfeld's home, head of Chabad of Hunterdon County, and

WHEREAS, Rabbi Kornfeld is a good friend of Lambertville, annually visiting our City to light the Hanukkah menorah at the Corner of Bridge and Union streets, and

WHEREAS, He is a man of peace, of learning, of God's love for all, and an ambassador for tolerance and understanding, and

WHEREAS, this act should spur our disgust and anger not just for what it is, but because it is also an assault on our City's fabric. Our City is widely known as a place of diversity, understanding, and acceptance – not just based on religious traditions, but of all families and individuals. When we learn of an act of intolerance and depravity against a friend, even one 20 miles away, it impacts us all, and

WHEREAS, this should be a stark reminder that even in this day and age, we can never let up in the fight against intolerance, and

WHEREAS, there will always be those who hide behind symbols of hate, and they will always be vastly outnumbered by those of us who reject their ignorance.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of City and the governing body, thoughts of peace are sent to Rabbi Kornfeld and his family, and our City will always welcome him, just as we welcome everyone from every walk of life.

BE IT FURTHER RESOLVED that all residents are asked to use this opportunity to not only rededicate ourselves to not only ensuring our City's strong and proud history of tolerance and understanding, but to teach our children that respect, as well.

Councilman Sanders made a motion to adopt this resolution in support of Rabbi Kornfeld and his family. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The City Clerk was further instructed to place this message on the City's website, and to send it off to the local newspapers in support of the city's friend, Rabbi Kornfeld.

PROCLAMATIONS.

A PROCLAMATION HONORING PATROLMAN KENNETH HOUSMAN FOR HIS VALIENT EFFORTS IN SAVING BOTH LIVES AND THE BUILDING FROM THE CHURCH STREET FIRE.

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Mayor DelVecchio asked Patrolman Housman to join him in the front of the room. Mayor and Council members took turns reading the proclamation into the record.

Proclamation

WHEREAS, on Wednesday, June 20, 2012, Patrolman Kenneth Housman and Patrolman Joseph Weber responded to a fire call at 11 Church Street, *and*

WHEREAS, due to the heroic actions of Patrolman Housman, the building was immediately evacuated and the fire was extinguished, saving the lives of Hannah Torres, Robert Wilson, Joey DeJesus, Doreen Brown and Diane Sowers, and saving the building structure, *and*

WHEREAS, the fire was determined to be accidental by the Lambertville Police Department and the Hunterdon County Prosecutor's Office, *and*

WHEREAS, there was minor damage to the building, which sustained damage to the wall and window sill, *and*

WHEREAS, Patrolman Housman, two fire fighters and one tenant were taken to the hospital and treated for smoke inhalation, *and*

WHEREAS, Kenneth Housman was awarded the departmental recognition "*Life Saving Award*" by the Police Director for his actions on June 20, 2012, when he acted in spite of considerable danger to himself.

NOW THEREFORE BE IT RESOLVED by Mayor and Council, in the City of Lambertville, in the State of New Jersey, that Kenneth Housman is hereby recognized for his heroic efforts in saving the lives of the tenants and the structure from serious damage.

BE IT FURTHER RESOLVED that Patrolman Housman and the members of the Lambertville Police Department are further recognized for their daily contributions, fostering the sense of community and making the streets of the City of Lambertville safe with every call to duty.

ADOPTED: August 20, 2012

David M. DelVecchio
Mayor

Councilman Sanders made a motion to adopt the Proclamation honoring Kenneth Houseman. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Police Director Cocuzza stated that Patrolman Housman was very valiant in his efforts to save human lives and the building on June 20th when he entered a burning building. He said this wasn't the first time Patrolman Housman put out a fire and he is a credit to this department. He thanked Patrolman Housman for his service.

Councilman Sanders commented that he was very grateful to Patrolman Housman as he resides close to Church Street. Mayor DelVecchio thanks Patrolman Housman for "everything you do." He said we forget in our small community that tragic events can happen. The people of our community are grateful, we are grateful. Thank you.

Patrolman Housman thanked everyone for their kind comments.

APPROVAL OF MINUTES.

Councilwoman Asaro made a motion to approve the following sets of minutes as submitted: July 16, 2012 Regularly Scheduled Session Minutes, July 16, 2012 Closed Session Minutes, August 1, 2012 Special Session Minutes (as amended), and August 1, 2012 Closed Session Minutes. Council President Stegman seconded the motion. An affirmative roll call 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 August received from: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers (received 08-20-12), Zoning Officer/Fire Inspector – John Barczyk, Police Director – Bruce Cocuzza, Acting Public Works Director – Lester Myers, City Clerk – Cynthia Ege, Swift911 Registration Numbers, and Chief Financial Officer and Director of Finance – Christie Ehret. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

JCP&L – JOHN ANDERSON

Mayor DelVecchio recognized John Anderson from JCP&L who is visiting our community this evening. Mayor DelVecchio stated that Mr. Anderson has been very helpful to the City when we have a major storm. The City has a goal of quickly getting our residents back into their homes and we work with JCP&L employees, the fire department and our construction officials to accomplish this goal.

John Anderson addressed Mayor and Council and said he has been with JCP&L for 20 years and he was in the neighborhood so he thought he would stop in so that he could put a face to a name. He said he has worked with the Mayor and City Clerk and wanted to reaffirm their commitment to our community. Through all of the upcoming changes at JCP&L, he will continue to serve as the City's representative. JCP&L has made some changes through social media:

1. Website has been redesigned so that instead of coding outages by zip code, they are coded by tax map. This will allow each municipality to see how many homes and businesses are without power in an emergency, report power outages and street light outages,
2. Water and Ice Availability will be listed on their website,
3. Hunterdon Central High School and the 3M Company will be used as a staging area and will have supplies during an emergency for the trucks to come back and obtain instead of going back to Phillipsburg,
4. Social Media – JCP&L is now on Facebook and twitter!
5. The old faxing system has been replaced by email and a blast will be sent out to the emergency contacts instead of utilizing the old fax method.

Mayor DelVecchio thanked John for his continued support. He said John and JCP&L were very good last Thursday evening when a section of the City was without power. Hurricane Irene was a different storm and affected the east coast in general. John thanked the Mayor for his comments.

RESOLUTION NUMBER 127-2012: A Resolution to Authorize the Refund of a Marriage License Fee.

City of Lambertville
Resolution Number 127-2012
A Resolution to Authorize the Refund of a Marriage License Fee

WHEREAS, Nicole Lake applied in the City of Lambertville for a marriage license to wed in New Hope, Pennsylvania,

WHEREAS, New Jersey State Law requires applicants to marry in the State of New Jersey which would invalidate the license.

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 refund of a marriage license fee in the amount of \$28 to Nicole Lake.

Adopted: August 20, 2012

Council President Stegman made a motion to approve Resolution Number 127-2012. Councilwoman Asaro 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 List for the evening. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS.

CONSENT AGENDA: (*PROVIDES RAPID RESPONSE TO ITEMS WHICH DO NOT REQUIRE DISCUSSION*). RESOLUTION NUMBERS 114-2012, 115-2012 AND 126-2012 WAS PULLED FROM THE CONSENT AGENDA.

RESOLUTION NUMBER 123-2012: *A Resolution Authorizing the City Clerk and Police Director to Sign the One Day Social Affairs Permit for Twin Rivertown Projects, Inc., for October 6th from 1 – 6 pm at the Riverhorse Brewery to benefit the Lambertville & New Hope Parks and Recreation.*

City of Lambertville
Resolution Number 123-2012
A Resolution Authorizing the Police Director and City Clerk to Sign the One Day Social Affairs Permit filed by Twin Rivertown Projects, Inc., for October 6th.

WHEREAS, Twin Rivertown Projects, Inc., has filed an application for a One Day Social Affairs Permit for a Fundraiser scheduled for October 6, 2012 with a rain date of October 7, 2012, at River Horse Brewery located at 80 Lambert Lane, and

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WHEREAS, the Fundraiser will benefit the Lambertville and New Hope Parks and Recreation Commissions, and

WHEREAS, the application has been fully executed and contains a lay out of the facility, and

WHEREAS, the Police Director has reviewed the application and has no objection to the approval of the application, and

WHEREAS, Twin Rivertown Projects, Inc. has filed applications for One Day Social Affairs Permits in the past without incident.

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 Police Director and City Clerk are hereby authorized to sign the application for a One Day Social Affairs Permit filed by Twin Rivertown Projects, Inc.

ADOPTED: August 20, 2012

RESOLUTION NUMBER 124-2012: *Supporting the Drive Sober or Get Pulled Over 2012 Year End Statewide Crackdown.*

City of Lambertville
Resolution Number 124-2012
Supporting the Drive Sober or Get Pulled over
2012 Year End Statewide Crackdown

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year, and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related, and

WHEREAS, an enforcement crackdown is planned to combat impaired driving, and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol, and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked all enforcement agencies throughout New Jersey to participate in the *Drive Sober or Get Pulled Over 2012 Year End Statewide Crackdown*, and

WHEREAS, the project will involve increased impaired driving enforcement from August 17, 2012 through September 3, 2012, and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

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, declares its support for the Drive Sober or Get Pulled Over 2012 *Statewide Crackdown* from August 17 through September 3, 2012 and pledges to increase awareness of the dangers of drinking and driving.

ADOPTED: August 20, 2012

RESOLUTION NUMBER 125-2012: A Resolution of Approval to Submit a Grant Application and Execute a Grant Agreement with the NJDOT for North Union Street Phase III.

City of Lambertville
COUNTY OF HUNTERDON
RESOLUTION NO. 125-2012
A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NORTH UNION STREET, PHASE III IMPROVEMENTS PROJECT

_____ offered the following resolution and moved its adoption:

WHEREAS, the New Jersey Department of Transportation (NJDOT) is accepting applications for FY2013 Municipal Aid projects, and NJDOT will provide financial assistance to municipalities for transportation infrastructure improvements which are selected through the grant application process; and

WHEREAS, North Union Street exhibits the need for roadway, pedestrian and drainage improvements; therefore, the City of Lambertville will submit a Municipal Aid Grant Application for North Union Street, Phase III improvements project, which will extend along North Union Street between York Street and Delaware Avenue;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Lambertville formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized to submit an electronic grant application identified as MA-2013-Lambertville City-00049 to the New Jersey Department of Transportation on behalf of the City of Lambertville;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Lambertville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on August 20, 2012.

Council President Stegman made a motion to approve the resolutions listed on the consent agenda. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 114-2012: A Resolution to Award the Bid to Replace the Light Poles at Ely Field on the Football Field.

City of Lambertville
Resolution Number 114-2012
A Resolution to Award the Bid to Replace the Light Poles at Ely Field to Carr & Duff of Huntingdon Valley, PA in the Amount of \$43,497

WHEREAS, on August 2, 2012, the City of Lambertville advertised for bids to replace nine (9) light poles, and

WHEREAS, on August 16, 2012, at 10 am, the bid acceptance period was closed and the bids received were formally opened and read aloud at City Hall located at 18 York Street, and

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WHEREAS, one bid was received for the light poles at Ely Field, and

WHEREAS, Attorney Faherty and Engineer Ballard reviewed the bid from Carr & Duff of Huntington Valley, PA, and determined it to be a responsive bid, price and other factors considered.

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 Carr & Duff of Huntington Valley, PA is hereby awarded the bid in the amount not to exceed \$43,497 and the Mayor and Clerk are authorized to sign the contract.

Adopted: August 20, 2012

Councilman Sanders made a motion to adopt Resolution Number 114-2012. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 115-2012: A Resolution to Award the Bid for Ely Creek Flood Gates to Waters & Bugbee of Hamilton, NJ, in the Amount of \$130,885.00.

City of Lambertville

Resolution Number 115-2012

A Resolution to Award the Bid for Ely Creek Flood Gates to Waters & Bugbee of Hamilton, New Jersey in the Amount of \$130,885.00.

WHEREAS, on June 28, 2012, the City of Lambertville advertised for bids to construct the flood gates on Ely Creek, and

WHEREAS, on July 25, 2012, the bids were received and formally opened and read aloud at City Hall located at 18 York Street, and

WHEREAS, the following bids were received and accepted:

Company	Address	Bid Amount
TR Weniger	Piscataway, NJ	\$115,926.00
Waters & Bugbee	Hamilton, NJ	\$130,885.00
WJ Harrington	Chester, NJ	\$134,351.29
A&J Construction	Farmingdale, NJ	\$172,307.00

WHEREAS, Attorney Faherty reviewed the bid specifications and found TR Weniger's bid documents to be deficient due to a failure to include references, and

WHEREAS, Attorney Faherty and Special Engineer John Miller reviewed each bids and determined Waters & Bugbee to be the lowest responsive bid, price and other factors considered.

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 Waters & Bugbee of Hamilton, NJ is hereby awarded the bid in the amount not to exceed \$130,885.00, and the Mayor and Clerk are authorized to sign the contract.

Adopted: August 20, 2012

Councilman Sanders made a motion to adopt Resolution Number 115-2012. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 126-2012: A Resolution to Reject the Bid for the Parking Lot at Ely Field received from Halecon, Inc., of Bridgewater, Inc., in the Amount of \$70,133.

City of Lambertville

Resolution Number 126-2012

A Resolution to Reject the Bid for the Reconstruction of the Parking Lot at Ely Field Received from Halecon, Inc., from Bridgewater, NJ in the Amount of \$70,133

WHEREAS, on August 2, 2012, the City of Lambertville advertised for bids to replace nine (9) light poles, and

WHEREAS, on August 16, 2012, the bids were received and formally opened and read aloud at City Hall located at 18 York Street, and

WHEREAS, one bid was received, and

WHEREAS, Attorney Faherty and Engineer Ballard reviewed the bid from Halecon, Inc., and determined the amount exceeded the amount budgeted for this project.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the bid received from Halecon, Inc., of 136 Billian Street in Bridgewater, NJ to be in excess of the funds budgeted to complete the project.

BE IT FURTHER RESOLVED that the bid is hereby rejected and the City's Engineer is authorized to rebid the project.

Adopted: August 20, 2012

Council President Stegman made a motion to approve Resolution Number 126-2012. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING AND INTRODUCTION.

ORDINANCE NUMBER 15-2012: An Ordinance to Create a Handicapped Parking Space at 66 Church Street.

Mayor DelVecchio read Ordinance Number 15-2012 into the record by title. He informed the members of the public present that this ordinance is to create a handicapped parking space on Church Street in front of number 66. He asked the Police Director and the Acting Public Works Director if they had an opportunity to look into this request.

City of Lambertville

Ordinance Number 15-2012

An Ordinance to Amend the Revised General Ordinance of the City of Lambertville, 1990, Chapter 7: Traffic: Create a Handicapped Parking Space at 66 Church Street

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BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the City of Lambertville, 1990, Chapter 7: Traffic, be amended as follows:

SECTION 1: Section 7-4.7 Parking Restricted for Use by Handicapped Persons is amended by adding the following location:

Handicapped parking space in front of 66 Church Street.

SECTION 2: This ordinance shall take effect immediately upon adoption according to law.

Introduced: August 20, 2012
Public Hearing: September 19, 2012
Final Adoption: October 17, 2012

Mayor DelVecchio asked if there were any questions from the public. There being no questions from the public, Mayor DelVecchio asked for a motion to introduce Ordinance 15-2012. Council President Stegman made a motion to introduce Ordinance 15-2012. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio informed the public that the public hearing is scheduled for September 19, 2012.

ORDINANCES – SECOND READING AND PUBLIC HEARING.

ORDINANCE NUMBER 13-2012: *An Ordinance to Amend the Revised General Ordinances of the City of Lambertville titled Health Services by the Hunterdon County Health Department, Chapter BH-III, Food Licensing, Changing the References to the Statutes.*

Mayor DelVecchio read Ordinance Number 13-2012 into the record by title. He informed the members of the public present that this Ordinance will amend Chapter BH-III for Food Licensing, changing references to statutes and changing the fees schedule. The prior fees for annual food licenses charged an addition \$100 for restaurants with more than 50 seats. This ordinance will decrease the fee and charge one rate of \$250.

City of Lambertville
Ordinance Number 13-2012

An Ordinance to Amend the Revised General Ordinances of the City of Lambertville titled Health Services by the Hunterdon County Health Department, Chapter BH-III.

BE IT ORDAINED by the Board of Health of the City of Lambertville, in the County of Hunterdon, and State of New Jersey.

CHAPTER BH-III

RETAIL FOOD ESTABLISHMENT CODE

BH: 3-1 TITLE.

This chapter shall be known as the "Retail Food Establishment Ordinance of the City of Lambertville."
(Ord. #88-14, S1)

BH: 3-2 ADOPTION OF CODE BY REFERENCE.

Chapter 24, N.J.A.C. 8:24 is hereby adopted and a copy of said Code is annexed to this chapter and made a part hereof without the inclusion of the text herein. (Ord. #88-14, S2)

BH: 3-3 COMPLIANCE WITH STATE STANDARDS.

All retail food and beverage establishments shall comply with Chapter 24, N.J.A.C. 8:24 relating to the construction, operation and maintenance of retail food and beverage establishments and this chapter and all violations are hereby declared to be nuisances hazardous to health. (Ord. #88-14, S3)

BH: 3-4 DEFINITIONS.

As used in this chapter:

Nonprofit/community service organization shall mean those organizations which are exempt from tax by the United States Internal Revenue Service and which present to the Board of Health a tax exemption number which has been issued to them by that Federal agency and shall include those with a 501(c) 3 status.

Permanent establishments shall mean those that are not temporary.

Person shall mean and include organizations, corporations, unincorporated associations, individuals, persons, any group of two (2) or more persons or any other entity.

Retail food and beverage establishments shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial vending establishment; private, commercial or non-profit organization, institution, or group-preparing, storing or serving food or beverages; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises, or elsewhere (sold for off premise consumption); and any other retail eating or drinking establishment where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of church or nonprofit type institution meal services shall meet the special provisions of N.J.C.A. 8:24-1.5; provided further, that any food and beverage vending machine shall meet the requirements of N.J.A.C. 8:24-4.12 (both of which sections are contained in Chapter 24 of the New Jersey State Sanitary code adopted herein);

Temporary establishments shall be defined as one in continuous service for not more than twenty-one (21) days. (Ord. #88-14, paragraph 4)

BH: 3-5 LICENSE REQUIRED.

a. It shall be unlawful for any person to conduct a retail food establishment as defined herein without first having procured an annual license from the City Board of Health, or to conduct said activities without complying with any or all of the provisions of this chapter and Chapter 24 of the New Jersey State Sanitary Code.

b. No retail food establishment license shall be issued unless the retail food establishment shall have in its possession and on display a current satisfactory inspection certificate from the Hunterdon County Health Department dated within twelve (12) months of the application for said license. (Ord. #88-14, S5)

BH: 3-6 LICENSE APPLICATIONS.

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- a. Each applicant for a license shall complete an application and provide all information requested on the application. When requested, each applicant shall provide further proof to the Board of Health of any representations contained in the application. Failure to do so shall result in the application being denied.
- b. If there is a material misrepresentation or omission, any license issued on the basis of that application shall be revoked or suspended. (Ord. #88-14, S6)

BH: 3-7 LICENSE PERIOD.

- a. The permanent licenses issued shall be effective for a period of one (1) year commencing on June 1 and expiring on May 31 and shall be renewable for succeeding years thereafter upon payment of the annual fee and compliance with the requirements of this chapter and all other applicable laws and regulations.
- b. Each temporary license shall be issued for a period of time not to fourteen (14) days.
- c. All applications for retail food establishment licenses, whether permanent or temporary, on forms prescribed by the Board of Health and the required fee shall be submitted to the Board of Health at least twenty (20) days prior to the date of requested issuance or renewal. (Ord. #88-14, S7)

BH: 3-8 LICENSE FEES.

The annual license fees to be paid for issuance of a permanent or temporary retail food establishment shall be as follows:

a.	<i>Permanent Establishments.</i>	\$250.00
b.	<i>Temporary Establishments.</i>	
	1. Temporary food establishments which operate for one (1) to three (3) days	\$95.00
	2. Temporary food establishments which operate for four (4) or more days	\$125.00
c.	Non-profit community service organizations	0
d.	Public schools, fire departments and ambulance and rescue squads	0

An exemption from the number of temporary licenses granted will be given to all nonprofit entities selling beverages and/or food during special events held in the City of Lambertville.

BH: 3-9 PUBLIC RECORD

Three (3) copies of Chapter 24 of the New Jersey State Sanitary code have been placed on file in the Office of the Secretary of the Board of Health and shall remain on file there for use and examination by the public. (Ord. #88-14, S9)

BH: 3-10 VIOLATIONS AND PENALTIES.

- a. Any person who violates any provisions of or order promulgated under this chapter or Chapter 24 of the New Jersey State Sanitary Code shall, upon conviction thereof, be punished by a fine of not less than five (\$5.00) dollars nor of up to five hundred (\$500.00) dollars.

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b. The Lambertville Municipal Court shall have jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provisions of this chapter or Chapter 24 of the New Jersey State Sanitary Code. The proceedings shall be summary and in accordance with the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.); process shall issue at the suit of such local board and shall be either in the nature of a summons or warrant.

c. The Court may cause a person who refuses or neglects to pay the amount of a judgment rendered against him and all costs and charges incident thereto, to be committed to the County Jail for a period not exceeding ninety (90) days.

d. In the event a person shall have been twice convicted within the space of six (6) months of a violation of this chapter or Chapter 24 of the New Jersey State Sanitary Code, the Court may, in addition to the imposition of the penalty prescribed by paragraph a. of this subsection, order the person to be imprisoned in the County Jail for any number of days not exceeding one (1) for each dollar of the penalty.

e. In addition to the penalties set forth above, a conviction of a violation of this chapter and/ Chapter 24, N.J.A.C. 8:24 shall result in revocation or suspension of the license. (Ord. #88-14, S10)

BH: 3-11 MISCELLANEOUS.

Nothing contained herein shall be deemed to exempt any retail food establishment from any licensing requirement. (Ord. #88-14, S11)

BH: 3-12 SEVERABILITY.

In the event that any section, sentence or clause of this chapter or of Chapter 24, N.J.A.C. 8:24 is found not valid, the remaining provisions shall remain in effect. (Ord. #88-14, S13)

INTRODUCED: July 16, 2012
PUBLIC HEARING: August 20, 2012
FINAL ADOPTION: September 19, 2012

Mayor DelVecchio opened the public hearing on Ordinance Number 13-2012. He asked if there were any questions from the public. There being no questions from the public, he asked for a motion to close the public hearing on Ordinance 13-2012. Council President Stegman made a motion to close the public hearing. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Councilman Sanders commented that the change in fees was almost revenue neutral.

Mayor DelVecchio asked for a motion to adopt Ordinance 13-2012 on second reading. Council President Stegman made a motion to adopt Ordinance 13-2012. 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 14-2012: *An Ordinance to Amend the Revised General Ordinances of the City of Lambertville, 1990, Chapter 7: Traffic, to Create a Loading Zone on the North Side of Swan Street.*

Mayor DelVecchio read Ordinance number 14-2012 into the record by title. He informed the members of the public present that this Ordinance will create a loading zone on Swan Street on the north side between the parking lot of the Swan Hotel and the next driveway.

City of Lambertville
Ordinance Number 14-2012

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF
THE CITY OF LAMBERTVILLE, 1990, CHAPTER 7: TRAFFIC**

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the City of Lambertville, 1990, Chapter 7: Traffic be amended as follows:

SECTION 1: Section 7-8 LOADING ZONES is amended by adding the following location:

Street: Swan Street, North Side
Location: The parking space between the Swan's Parking Lot and 50 Swan Street
Hours: 9:00 AM to 12:00PM
Days: Tuesdays and Fridays

SECTION 2: This ordinance shall take effect immediately upon adoption according to law.

INTRODUCED: July 16, 2012
PUBLIC HEARING: August 20, 2012
FINAL ADOPTION: September 19, 2012

Note: Street Sweeper runs on Wednesdays from 8 – 9 AM.

Mayor DelVecchio asked if there were any questions regarding Ordinance 14-2012. Mr. Connor of Anton's at the Swan asked if the time could be changed to 8 to 10 AM. He said he is a resident of Swan Street and will offer a parking spot in the lot at the Swan to residents who could be impacted by this. The garbage company picks up between 8 and 10 am on Tuesdays and Thursdays.

Mayor DelVecchio asked the City's Attorney if this change would require the City to re-notice. Attorney Faherty felt this was not a substantial change and this could be accommodated this evening without a detriment to the City.

Heather Caroline asked if this would be a problem for out of town visitors. The Acting Public Works Director stated that it would be signed and striped appropriately and he felt this would not be a problem.

Mayor DelVecchio asked if there were any additional questions. There being no further questions from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 14-2012. Councilman Sanders made a motion to close the public hearing. 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 to adopt Ordinance Number 14-2012. Council President Stegman made a motion to adopt Ordinance 14-2012. Councilwoman Asaro seconded the

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

CORRESPONDENCE.

NATIONAL MULTIPLE SCLEROSIS SOCIETY: Request permission to ride through the City on Sunday, September 16, 2012, starting and ending at the Inn at Lambertville Station, for a bike tour with 250 riders and volunteers. Approval includes a request for a temporary food permit. Agreement with the Inn at the Lambertville Station includes: food, alcohol, sound system for music and announcements, and potential for media coverage. The Police Director commented that he spoke with the event coordinator and he had all of the information he needed. Council members expressed concern for this being the first off site event managed by River Horse Brewery. The Police Director will contact them to ensure they understand the requirements.

NJDEP: Notice of the New Interactive Website Available for New Jersey Boaters.

LMUA: Status Update on the Odor Issues.

ELIZABETHTOWN GAS: Notice of Public Hearing to Review the Periodic Basic Gas Supply Service.

ELIZABETHTOWN GAS: Notice of Public Hearing for the 2012/2013 Annual Compliance Filing for the Universal Service Fund and Lifeline Program Components Within the Social Benefits Charge Rate Pursuant to NJSA 48.

NJDOT: Announcement that applications are being accepted for the NJDOT State Aid Program.

The following three requests were approved together:

JOAN SPIEGEL: requests approval for the Annual Block Party for Clinton Street residents, Sunday, October 6, 2012 from 5 to 10 pm.

DEBORAH JONES: Request on behalf of the Coryell Street residents for a block party on Sunday, September 2, rain date September 9, from 3 to 10 pm.

LAMBERTVILLE AREA CHAMBER OF COMMERCE: Request approval of the Annual Sidewalk Sale, Saturday, October 6 and Sunday, October 7, and the use of the pocket park at the corner of Bridge and Union Street for a Kiosk of Information, the sale of T-Shirts and bottled water.

Councilman Sanders made a motion to approve the request of the Clinton Street residents for a block party. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

NEW JERSEY LEAGUE OF MUNICIPALITIES: Annual Business Meeting scheduled for Thursday, November 15, 2012 in Atlantic City at the Sheraton Convention Center Hotel.

UNFINISHED BUSINESS.

Update on various construction improvement projects.

City Hall: Attorney Faherty reported that there are some issues he is working out with the bonding company.

Construction:

South Franklin & Weeden Street Drainage Project: bids will be received in September.

Ely Field: The bid for the Light Poles (9) was awarded this evening and the bid for the Parking Lot by Tot Lot will be rebid.

Update on projects for flood relief.

Swan Creek – Grant results were due April, 2012 – nothing official to report.

Ely Creek – Bids were received and publicly opened on July 25, 2012. The bid was awarded this evening to Waters and Bugbee.

Miscellaneous.

Update on various non-construction projects.

SWIFT 911 – Visit www.lambertvillenj.org – people continue to sign up. We currently have 1,728 people registered.

Shared Services – nothing to report.

Work Group on SHRHS – nothing to report.

Garbage and Recycling – Mayor DeVecchio reported that the numbers just keep getting better. He planned for a \$9,000 savings in the budget and the City has already hit \$8,000.

NEW BUSINESS.

DRIVEWAY APPLICATION: James Seibert, 24 Swan Street.

Mayor DeVecchio asked if the applicant was present. Attorney Faherty reported that Mayor and Council had jurisdiction over this matter. He reviewed the required notice to the newspaper and property owners and all was in order.

Mayor DeVecchio commented that this process was set up to give the people a voice. The required public notice and notice to the property owners within 200 feet, gives them an opportunity to come out and voice their opposition or support if they chose to do so. This process is for the flat part of the City due to the narrow streets, lack of parking, in the downtown area.

Mayor DeVecchio asked if Mr. Seibert was present. Mr. Seibert acknowledged the Mayor. Mayor DeVecchio asked Mr. Seibert why the Council should entertain his request and what the impact would be on the neighborhood. Mr. Seibert said he was taking one space off the street and providing one for his property. Mayor DeVecchio stated that it would be difficult to make a 45 degree turn on this street so the impact would be more than one car.

Councilman Sanders stated that there is parking on the south side of the street, which would require the operator to cut the turn sharp and an additional space would need to be removed.

Mayor DelVecchio said the impact would be the loss of two parking spaces at a minimum. You get one and the community loses two parking spaces. He asked Mr. Seibert if he was selling the property. He said he has it listed but hasn't decided yet. Council President Stegman asked if he had it listed as having a driveway. Mr. Seibert said he did not have the property listed with a garage or driveway. He said he has to raise the house 10 feet. Mr. Seibert commented that there are other driveways on Wilson and Swan Street.

David Wintermute asked if he could address the Council. Mr. Wintermute stated that the other driveways were installed prior to 1950 and the double driveway close to Main Street owned by Mr. Carmosino was put in around 1980.

Mayor DelVecchio said that it was back during the time when the community only had one car per household. Now, the community has two or more vehicles.

David Wintermute stated that the Harris' are away but spoke on their behalf. He expressed concern for the property attached to Mr. Seibert's property and for the exhaust from the vehicle going into the adjoining property. The first floor on the other side is the living quarters for that site. Carbon monoxide would permeate through the walls and could be a safety hazard. The initial design had breakaway doors for the front of the building so that if there was a flood or a surge in water which was experienced in the fall of 2011, the doors would break away. The door installed is a Home Depot garage door. He said parking on the street is at a premium. This portion of the roadway is narrow and parking on both sides of the street would mean the loss of more than two spaces. He questioned what would happen to the handicapped parking space adjacent to Mr. Seibert's property?

Council President Stegman asked Mr. Seibert if he made an application to the Zoning Board of Adjustment to rebuild the structure. Mr. Seibert stated the Zoning Officer determined the application was not necessary because he used the same footprint of the old building.

Councilman Sanders said the community believes that because there are no meters on the street, more residents and business owners' park on Swan Street during the day. This heightens concern for parking. He referenced the application made by 44 South Main Street and said the City denied that application for the same reason. The narrow street means the loss of more than one space and this is a detriment to the neighborhood. The burden of proof is on the applicant and the City has a responsibility to look at the net impact on the neighborhood.

Mayor DelVecchio said that when the City changed the flow of traffic to one way on Main Street between Swan and Mount Hope Streets, it allowed for additional parking but changed the traffic pattern. The increase in traffic made it more difficult to maneuver a vehicle from a driveway on the side streets, but provided the much needed parking relief to the South Main Street area. It also lowered the number of speeding vehicles on South Main Street by narrowing the street.

Mayor DelVecchio asked the Police Director if he had an opportunity to look at the application. He said he didn't look at it but it seems like a tight spot. Maneuvering a vehicle in and out of a driveway on a street that is narrow is very tricky.

David Wintermute said the corners are now painted and that restricts parking more. He indicated that the parking lot at the old ACME/Justice Center, did not provide parking relief to the residents in the area. Mayor DelVecchio said that it provided 36 additional spaces at the Justice Center which are leased out by residents and the businesses alike.

Councilman Sanders asked about the number of driveways along Wilson to North Union Streets. David Wintermute said Mr. Wilson's old house used to have a garage. The garage was removed but the driveway existed. The only change is that now two cars can park in the driveway. This did not require a new curb cut. In addition, the street is wider in this area and allows for better operation of a vehicle.

Councilwoman Asaro commented that the City denied 44 South Main Street for the same reasons; lack of parking, ability to make the turn radius, and safe means of ingress and egress.

Council President Stegman said he was not in favor of the application and he had concerns for the residents. Mayor DelVecchio asked him to make a motion.

Council President Stegman made a motion to approve the driveway application. Councilman Sanders seconded the motion. A roll call vote was taken by all members present as follows: Councilwoman Asaro - No, Councilman Sanders - No, Council President Stegman - No, Mayor DelVecchio - No. The application was denied. MOTION FAILED.

APPOINTMENTS TO BOARDS/COMMITTEES.

Mayor DelVecchio nominated Nora Linderman to the Historic Preservation Commission.

Council President Stegman made a motion to confirm Mayor DelVecchio's nomination. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ANNOUNCEMENTS.

PUT A LID ON IT: Public Works has asked that the residents of the City of Lambertville put a lid on all garbage and recycling cans. This will help to minimize the amount of liquid spilling from the truck after they compact the contents. Thank you!

PARKING SPACE AVAILABLE: The City of Lambertville has space number 24 at the Justice Center available for lease. The fee is \$45 per month.

ANNUAL FREE RABIES CLINIC will be held on Saturday, September 15, 2012 from 1 – 3 pm at the Union Fire House located on North Main Street in Lambertville.

HUNTERDON COUNTY UTILITIES AUTHORITY will host

Computer & Electronics Collection Day on Saturday, October 13, 2012 from 9 AM to 1 PM, rain or shine, at the Hunterdon County Library Complex located at 314 Route 12 in Flemington.

Household Hazardous Waste Cleanup Day on Saturday, November 10, 2012 from 9 AM to 1 PM, rain or shine, at the Hunterdon county Library Complex located at 314 Route 29 in Flemington.

SAVE THE DATE: the Annual Tree Lighting is scheduled for Saturday, November 24, 2012 at 4 pm.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

City of Lambertville
Regularly Scheduled Session
Monday, August 20, 2012, 6:30 p.m.
Justice Center, 25 South Union Street, Lambertville
Minutes
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Heather Caroline asked Mayor and Council who owns the trees at Wells Fargo Bank. She reported that there are some dead limbs on the trees and she has asked Wells Fargo to take care of them. Mayor DelVecchio asked the Acting Public Works Director to look into the issue.

Curt Yeske asked for a timeline for Ely Creek Flood Gates. Mayor DelVecchio said the City would get it to him as soon as possible. The City needs to apply to the Department of Environmental Protection, Historic Preservation Office for a permit and to the DR Canal Commission. Mayor DelVecchio asked the City's Attorney for an update on our easements. The City's Attorney commented that we are waiting for signatures but all easements have been agreed upon.

ADJOURNMENT.

The meeting adjourned at 7:58 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.

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

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege

CMR, RMC, City Clerk

*Approved at the regularly scheduled session of Mayor and Council held on Wednesday,
September 19, 2012.*