



City of Lambertville
Regularly Scheduled Session of Mayor & Council
Tuesday, March 19, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes

The meeting was called to order at 6:31 p.m. by Mayor DelVecchio with a statement of compliance with the open public meeting act, providing the required notice on Friday, March 15, 2013 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, Council President Stegman, Mayor DelVecchio.

Absent: Councilwoman Warner.

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

**RESOLUTION TO GO INTO CLOSED SESSION TO DISCUSS
CONTRACTS, PERSONNEL, ACQUISITION OF PROPERTY AND
POTENTIAL LAW SUITS.**

RESOLUTION

*“Authorizing a Closed Session at the March 19, 2013 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 March 19, 2013, 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, Councilwoman Asaro arrived at 6:35 p.m.

Nays: None.

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

Mayor DelVecchio and City Council re-convened in regular session at 7:00 p.m.

ROLL CALL: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

Mayor DelVecchio led the public in a Moment of Silence in remembrance of David Moraski, the former President of the Lambertville Board of Education, Chairperson of the Zoning Board of Adjustment, and former member of the Committee to Resolve Drainage on Delaware Avenue. Mr. Moraski was the owner of the Medicine Shoppe located on Route 179 in Lambertville and was remembered for his many contributions to the City of Lambertville.

APPROVAL OF MINUTES.

Council President Stegman made a motion to approve the following meeting minutes as submitted/amended: February 19, 2013 Regularly Scheduled Session Minutes and February 19, 2013 Closed Session Minutes. Councilman Sanders 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 following Administrative Reports: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, December and January, Zoning Officer/Fire Inspector – John Barczyk, Police Director – Bruce Cocuzza, Acting Public Works Director – Lester Myers, City Clerk – Cynthia L. Ege and Chief Financial Officer and Treasurer – 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.

RESOLUTION TO APPROVE THE TRANSFERS.

City of Lambertville

RESOLUTION 60-2013

RESOLUTION TO MAKE BUDGET TRANSFERS

BETWEEN APPROPRIATION RESERVES IN THE 2012 GENERAL FUND BUDGET

WHEREAS, certain 2012 Budget Appropriation Reserve balances are expected to insufficient for the remainder of the year;

NOW, THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, that in accordance with N.J.S.A. 40A:4-58, the Treasurer be and is hereby authorized to make

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transfers between appropriation reserves in the 2012 Budget for the City of Lambertville, as follows:

<u>ACCOU #</u>	<u>ACCOUNT TITLE</u>	<u>FROM</u>	<u>TO</u>
2-01-25-240-200	Police - OE	9,500.00	
2-01-26-305-200	Solid Waste - OE		4,000.00
2-01-26-310-200	Buildings and Grounds - OE		2,000.00
2-01-31-435-271	Street Lighting - OE		3,500.00
Total		\$ 9,500.00	\$ 9,500.00

Councilman Sanders made a motion to approve the Transfer Resolution. 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. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS.

Relay for Life of Hunterdon.

RELAY FOR LIFE OF HUNTERDON
Proclamation

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to come together to recognize and fight back against cancer; and

WHEREAS, the funds raised during Relay For Life of Hunterdon supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping our citizens stay well, by helping our citizens receive the best treatment for cancer, by supporting the search for cures for cancer; and (delete: by fighting back; and)

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, David M. DelVecchio, Mayor of City of Lambertville, do hereby proclaim June 14th and 15th of 2013 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

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in our community and hereby encourage our citizens to participate in the Relay For Life event at Hunterdon Central High School on June 14th to 15th, 2013.

ADOPTED: 19th day of March, 2013

David M. DelVecchio, Mayor

Councilman Sanders made a motion to adopt the Proclamation proclaiming June 14th and 15th as Relay for Life of Hunterdon County Days. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS.

Resolution Number 50-2013: A Resolution to Appoint Dave Burd as OEM Coordinator at a term of three years, expiring on 12-31-2015.

City of Lambertville

RESOLUTION NUMBER 50-2013

A Resolution to Appoint Dave Burd as the OEM Coordinator For a Term of Three Years, ending 12-31-2015.

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 David Burd is hereby appointed the Coordinator for the City of Lambertville, retroactive to January 1, 2013, ending 12-31-2015.

ADOPTED: March 19, 2013

Mayor DelVecchio informed the members of the public present that he is nominating Dave Burd for reappointment as City's OEM Coordinator. He complimented Mr. Burd and said the City is well served by him in this capacity and he does a great job.

Mayor DelVecchio asked for a motion to adopt Resolution Number 50-2013, appointing Dave Burd as OEM Coordinator for a term expiring on 12-31-2015. Councilman Sanders made a motion to adopt Resolution Number 50-2013. 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 57-2013: A Resolution to Continue Participation with the South Hunterdon Renewable Energy Cooperative.

City of Lambertville

RESOLUTION NUMBER 57-2013

"A Resolution Authorizing the City of Lambertville to Continue With the Cooperative Pricing System and Authorize the Cooperative Pricing Agreements with Other Contracting Units"

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the City of Lambertville, West Amwell Township, the Lambertville Municipal Utilities Authority, the Lambertville Public School, West Amwell Elementary School and the South Hunterdon Regional High School formed the Cooperative Pricing System on October 20, 2008 for the provision of performance of goods and services, and

WHEREAS, the approval from the New Jersey Division of Local Government Services for 177SHRECPS will expire on January 21, 2014.

NOW, THEREFORE BE IT RESOLVED as follows:

1. COOPERATIVE PRICING SYSTEM ESTABLISHED. The Mayor and City Council of the City of Lambertville hereby authorizes the renewal of the Cooperative Pricing System to be known as SOUTH HUNTERDON RENEWABLE ENERGY CO-OP with the CITY OF LAMBERTVILLE serving as the Lead Agency.
2. COOPERATIVE PRICING AGREEMENT. The Mayor is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.
3. A certified copy of each resolution adopted by the entity shall be forwarded to the Division of Local Government Services as part of the application for the registration of this Cooperative Pricing System.
4. This resolution shall extend the cooperative for an additional five years, ending January 21, 2019 pending approval from the State of New Jersey Division of Local Government Services.

ADOPTED: March 19, 2013

Mayor DelVecchio informed the members of the public present that the SHREC was formed in 2008 and is comprised of six entities: City of Lambertville, West Amwell Township, the Lambertville Municipal Utilities Authority, the Lambertville Public School, the West Amwell Township Elementary School and South Hunterdon Regional High School. They have completed the following projects: Power purchase agreement with Swan Creek Energy, Online Auction of energy supply, and energy audits of each site.

Mayor DelVecchio asked for a motion to adopt Resolution 57-2013, renewing the City's participating in the SHREC. Councilman Sanders made a motion to adopt Resolution Number 57-2013. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Consent Agenda: *provides rapid response to items which do not require discussion.*

Resolution Number 51-2013: A Resolution to Approve the Raffle Application Filed by Fisherman's Mark for the April 28th Raffle of an Apple iPod Touch 32 GB.

City of Lambertville

RESOLUTION NUMBER 51-2013

A Resolution to Approve the Raffle Application Filed by Fisherman's Mark for the April 28th Raffle of an Apple iPod Touch 32 GB.

WHEREAS, Fisherman's Mark applied for a raffle application on February 13, 2013, and

WHEREAS, the Police Department completed their review of the application and have determined that there is no information that would prevent the City from issuing the license, and WHEREAS, the City Clerk has reviewed the application and determined that Fisherman's Mark currently holds a valid license, Linda Meacham, the Executive Director was fingerprinted in accordance with the law, and has completed the required Determinations Statement for the issuance of this 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 Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby approve the raffle application submitted by Fisherman's Mark for the April 28th Raffle of an Apple iPod Touch, 32 GB.

ADOPTED: March 19, 2013

Resolution Number 52-2013: A Resolution to Approve the Bid for Phase II of the South Franklin Street Project.

City of Lambertville

RESOLUTION NUMBER 52-2013

A Resolution to Award the Bid for Phase II of the South Franklin Street Project

WHEREAS, the City of Lambertville accepted and publicly opened bids on Thursday, February 21, 2013, and

WHEREAS, the following contractors bid on phase II of the South Franklin Street Drainage Project:

- Integrated Construction & Utilities, \$170,120.32
- GMP Contracting, LLC, \$195,941.70
- Mountain View Development & Contracting, \$218,223.00

WHEREAS, the Engineer estimated the bid for this project to be \$244,014.40 and

WHEREAS, the City Engineer and the City Attorney reviewed the bid packets received and it was determined that Integrated Construction & Utilities had a mathematical error which was corrected, and

WHEREAS, it was determined that the most advantageous and responsive bid was presented by the low bidder, Integrated Construction & Utilities in the amount of \$170,120.32.

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 Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby approve the contract with Integrated Construction & Utilities in an amount not to exceed \$170,120.32 for phase II of the South Franklin Street project.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are authorized to sign the contract with Integrated Construction & Utilities for phase II of the South Franklin Street Drainage Project.

ADOPTED: March 19, 2013

Resolution Number 53-2013: A Resolution to Authorize the Sale of Public Property No Longer Needed Through Public Surplus Online Auction.

City of Lambertville

RESOLUTION NUMBER 53-2013

A Resolution to Authorize the Sale of Public Property through Public Surplus

WHEREAS, the City of Lambertville has determined the following items are no longer required for public use:

- 1994 Ford Pick Up, Vin #1FTEF25N9RNA72724
- Cummins, Onan Genset, 75 KW Natural Gas Generator, Serial #H930517119
- 4 cylinder, 32 cu, in Chrysler Outboard Gas Engine, Serial #076756
- 3 KW Generator, Military Style, Serial #KA7200300874
- Wichita Chipper & Shreader, Serial #88023C00044

WHEREAS, the aforementioned items will be sold via public auction through the Public Surplus website to the highest bidder, and

WHEREAS, the Mayor is hereby authorized to approve any additions to this list of items no longer used for public use.

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 Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby approve the sale of items through public auction on the Public Surplus Website.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to sign all title work with regard to the fore mentioned items no longer required for public use.

ADOPTED: March 19, 2013

Resolution Number 54-2013: A Resolution to Approve the Raffle Application filed by St. John the Evangelist Rosary Altar Society for June 2, 2013, for A Home Depot Gift Card in the Amount of \$100 and Shoprite Gift Card in the Amount of \$150.

City of Lambertville

RESOLUTION NUMBER 54-2013

A Resolution to Approve the Raffle Application Filed By St. John the Evangelist Rosary Altar Society for June 2, 2013 for Gift Cards to Home Depot and Shoprite.

WHEREAS, RAS St. Johns, applied for a raffle license on Tuesday, March 12, 2013 for an event scheduled for Sunday, June 2, 2013, and

WHEREAS, RAS St. John's registration identification number is 244-3-29169 and it is valid through December 31, 2013, and

WHEREAS, Laura Darby was fingerprinted on March 8, 2013, PCN Number 495302044206 and she is the Treasurer, and

WHEREAS, the Police Department reviewed the application and have issued a report stated they have no objections to the issuance of a license, and

WHEREAS, the City Clerk completed a determination statement which reflects the information submitted with the application is valid.

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 raffle application submitted by RAS St. Johns for an event scheduled for Sunday, June 2, 2013 is hereby approved for submission to Legalized Games of Chance Control Commission.

ADOPTED: March 19, 2013

Resolution Number 55-2013: A Resolution to Approve the 2012 Tonnage Grant Application.

City of Lambertville

RESOLUTION NUMBER 55-2013

A Resolution to Approve the 2012 Recycling Tonnage Grant.

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2012 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Lambertville to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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 hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designated Lester Myers, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution offered by:

ADOPTED: March 19, 2013

Resolution Number 56-2013: *A Resolution to Authorize the Mayor and Clerk to sign the contract with Pitney Bowes for a postage machine for the Police Department at an amount not to exceed \$179.88 per year.*

City of Lambertville

RESOLUTION NUMBER 56-2013

A Resolution to Authorize the Mayor and Clerk to Sign the Contract With Pitney Bowes for a Postage Machine for the Police Department At An Amount Not To Exceed \$179.88 Per Contract 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 the Mayor and Clerk are hereby authorized to sign the contract with Pitney Bowes for a postage machine for the police department at a rate not to exceed \$179.88 per year.

ADOPTED: March 19, 2013

Resolution Number 58-2013: *A Resolution to Authorize the Refund of Escrow Funds in the Amount of \$267.50 for Maryann Nelson, Block 1068, Lot 5.11 for an Application Made to the Zoning Board of Adjustment.*

City of Lambertville

RESOLUTION NUMBER 58-2013

A Resolution to Authorize the Refund of Escrow Account in the Name of Maryann Nelson for Block 1068, Lot 5.11 In the Amount of \$267.50

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 escrow account established for block 1068, lot 5.11 by Maryann Nelson for an application to the Zoning Board of Adjustment is hereby authorized to be closed and the escrow balance of \$267.50 is hereby authorized to be refunded to the applicant.

ADOPTED: March 19, 2013

Resolution Number 59-2013: A Resolution to Authorize the Auction of Taxi Licenses in the City of Lambertville.

City of Lambertville

RESOLUTION NUMBER 59-2013

A Resolution to Authorize the City Clerk to Auction Taxi Licenses

WHEREAS, Ordinance Number 05-2012 establishes the process for the auction of Taxi Licenses for the City of Lambertville, and

WHEREAS, the licenses previously awarded to Lambertville Taxi expired on December 31, 2012, and

WHEREAS, Lambertville Taxi had the option of renewing the license for 2013 and after several notices, failed to complete the process.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the City Clerk is hereby authorized to proceed with the process to auction off four licenses, with the lowest bid starting at \$500, as it outlined in Ordinance Number 05-2012.

ADOPTED: March 19, 2013

Resolution Number 61-2013: A Resolution to Amend the Raffle Application Filed by Roxey Ballet.

City of Lambertville

RESOLUTION NUMBER 61-2013

A Resolution to Amend the Raffle Application Filed by Roxey Ballet

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 raffle application filed by Roxey Ballet for the May 13, 2013 raffle is hereby amended to reflect the following:

- Date is changed to June 11, 2013,
- Member in charge is changed to Denise Carr.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized to file the application with Legalized Games of Chance Control Commission upon the receipt of the Police Report which reflects no negative findings.

ADOPTED: March 19, 2013

Councilwoman Asaro made a motion to approve the resolutions on the Consent Agenda. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ORDINANCES – INTRODUCTION AND FIRST READING.

Ordinance Number 05-2013: An Ordinance to Amend Bond Ordinance Number 2007-06 To Fund Upgrades to Cavallo Park and the WTC Memorial in the Amount of \$60,000.

Mayor DelVecchio reading Ordinance Number 01-2013 into the record by title and he informed the members of the public present that this is to Amend Ordinance Number 2007-06 which will allow the City to place a WTC Memorial at Mary Sheridan Park, which includes cleaning and preserving the statute at the Park and the removal of the tree by the old jail.

City of Lambertville

ORDINANCE NUMBER 05-2013

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A Bond Ordinance to Amend Bond Ordinance Number 2007-06, as amended by 04-2013, to authorize improvements to various streets to include installation of the 9/11 Memorial Garden at Mary Sheridan Park in the Amount of \$60,000.

Section 1. Section 3 (a) of Bond Ordinance 2007-06, finally adopted March 17, 2007, as amended by Bond Ordinance 04-2013, finally adopted March 19, 2013 (the "Prior Ordinance") is hereby amended to read as follows:

Section 3 (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is road improvements to various streets, including, but not limited to, Quarry Street and Swan Street, the inventory and analysis of existing public lighting fixtures within the City and recommendations for replacement with energy efficient fixtures in accordance with a proposal from Stephen E. Lohm, LC, IES, LEED AP dated January 23, 2013 and on file in the Office of the City Clerk, and, **and the installation of a 9/11 memorial in, and the maintenance to the grounds, statutes and structures, as needed, of Mary Sheridan Park on the corner of George Street and York Street with the City, in accordance with the conceptual plan of Michael Burns on file in the Office of the City Clerk,** and each including all work and materials necessary therefor and incidental thereto.

Section 2. Section 6 (b) of the Prior Ordinance is hereby amended to read as follows:

Section 6 (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 11.72 years.

Section 3. The remainder of the Prior Ordinance is unchanged and remains in full force and effect.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio asked if there were any questions from the public. There being no questions, Mayor DelVecchio asked for a motion to introduce the public hearing on Ordinance Number 05-2013. Councilman Sanders made a motion to introduce on first reading Ordinance Number 05-2013. 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 April 16, 2013.

ORDINANCES – SECOND READING AND FINAL ADOPTION.

Ordinance Number 01-2013: *A Bond Ordinance to Amend Bond Ordinance Number 10-2012, Adding the Amount of \$150,000 to Fund the Purchase of Generators for City Hall, the Justice Center and the Free and Public Library.*

Mayor DelVecchio read Ordinance Number 01-2013 by title into the record. He informed the members of the public present that this ordinance is to amend bond ordinance number 10-2012, adding \$150,000 to fund the purchase of an automatic generator at City Hall and a portable

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generator to be used at the Phillip L. Pittore Justice Center or the Free and Public Library during an emergency.

City of Lambertville
ORDINANCE NUMBER 01-2013

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$150,000 FOR ACQUISITION OF EMERGENCY GENERATORS IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE APPROPRIATION.

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 improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the City of Lambertville, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$150,000, such sum being in addition to the \$63,000 appropriated therefor by bond ordinance #10-2012 of the City finally adopted May 21, 2012, as amended by Bond Ordinance 20-2012, finally adopted December 17, 2012 (collectively, the "Prior Ordinance") and including the sum of \$7,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available from the City's Capital Improvement Fund.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$142,500 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 acquisition of emergency generators, including one permanent and two portable units, and the installation of the permanent generator, including related electrical and gas utility work, at City Hall, each as set forth in a list on file in 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 improvement or purpose is \$202,350, including the \$59,850 bonds or notes authorized by the Prior Ordinance and the \$142,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$213,000, including the \$63,000 appropriated by the Prior Ordinance and the \$150,000 appropriated herein.

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 \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20, consisting of \$10,000 appropriated for such purposes in the Prior Ordinance and the \$15,000 appropriated herein, are 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 on Ordinance Number 01-2013. He asked for public comment.

Caren Franzini of South Union Street expressed a concern for the noise and exhaust caused by the running of generators and the expense. She is not in favor of it. The fumes are noxious.

David Burd, OEM Coordinator responded that Ms. Franzini had a good point. He said you can purchase, for a higher fee, a generator that is quiet.

Mayor DelVecchio informed Ms. Franzini and the members of the public that City Hall will be used for the OEM Headquarters and that generator is an automatic generator. The other generator is a portable one and will be used at either the Library or the Justice Center. He added that starting this year, the Justice Center will be the new polling site for Wards 1 and 2.

Ms. Franzini commented that \$200,000 is a lot of money to spend on generators. Mayor DelVecchio responded that he has a problem spending money but on this particular item, he has no problem spending the money. During Hurricane Irene and again during Hurricane Sandy, City Hall was open to provide charging stations, heat, etc. Ms. Franzini stated she concurred with the Mayor. Mayor DelVecchio added that the City filed letters of intent for FEMA funding for the generators but we are unclear as to when the grants would be awarded and he didn't want to wait and gamble that another event would occur in the interim. He also stated that the City's grant writer was working on the availability of grant funds.

Mayor DelVecchio asked if there were additional comments from the public. There being no additional comments, he asked for a motion to close the public hearing. Councilman Sanders made a motion to close the public hearing on Ordinance Number 01-2013. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval, Ordinance Number 01-2013. Councilman Sanders made a motion to adopt Ordinance Number 01-2013. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 02-2013: *An Ordinance to Amend the Administrative Code of the City of Lambertville, Section 2-4, Mayor., 2-4.2, letter N, Preparation of the Annual Budget.*

Mayor DelVecchio read Ordinance Number 02-2013 into the record by title. He informed the members of the public present that this Ordinance was to amend the Administrative Code, specifically the date for the preparation of the annual budget to bring it in line with the current practice due to the State Aid the City receives.

City of Lambertville
Regularly Scheduled Session
March 19, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Agenda
Page 14

An Ordinance to Amend the Administrative Code of the City of Lambertville, Section 2-4.2, letter n, Annual Budget

2-4.2 Powers and Duties. The Mayor shall be the chief executive of the City. He shall:

n. Prepare the annual budget with the assistance of the Treasurer and with the cooperation of department directors and of other members of the Council, and present the budget to the Council for consideration *by January 31 of each year as provided herein.*

Change to:

n. Prepare the annual budget with the assistance of the Treasurer and with the cooperation of department directors and of other members of the Council, and present the budget to the Council for consideration *no later than 30 days after the State Aid numbers have been determined and notification has been made to the City of Lambertville.*

Introduction and First Reading: February 19, 2013
Public Hearing and Second Reading: March 19, 2013
Final Adoption:

Mayor DelVecchio opened the public hearing on Ordinance Number 02-2013. He asked if there were any public comments. There being no comments from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 02-2013. Councilwoman Asaro made a motion to close the public hearing on Ordinance Number 02-2013. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval Ordinance Number 02-2013. Council President Stegman made a motion to adopt Ordinance Number 02-2013. Councilman Sanders seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Ordinance Number 03-2013: *An Ordinance to Amend the Noise Ordinance, 4-1.2, letter e, adding the time from 9:00 AM to 9:00 PM on Sundays.*

Mayor DelVecchio read Ordinance Number 03-2013 into the record by title and informed the members of the public present that this ordinance was in response to requests from the public.

City of Lambertville

Ordinance Number 03-2013

An Ordinance to Amend the Noise Ordinance, 4-1.2, letter e, adding from 9:00 AM to 9:00 PM on Sundays.

4-1.2 Definition of Noise. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- e. Individuals, Corporations, Companies and utilities utilizing vehicles and equipment in connection with the construction or demolition of buildings, roadways or other structures or projects shall be limited in the use of such equipment or vehicles between the hours of 7:00 AM to 9:00 PM, **and from 9:00 AM to 9:00 PM on Sundays**, except in the case of

emergencies to be declared by either the Mayor, police Director or Director of Emergency Management. Snow plowing activities are specifically exempt from this ordinance (Ordinance 2003-17).

INTRODUCTION AND FIRST READING: February 19, 2013
PUBLIC HEARING AND SECOND READING: March 19, 2013
ADOPTION:

Mayor DelVecchio opened the public hearing on Ordinance Number 03-2013 and he asked for public comments. There being no public comments, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 03-2013. Council President Stegman made a motion to close the public hearing on Ordinance Number 03-2013. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval, Ordinance Number 03-2013. Council President Stegman made a motion to adopt Ordinance Number 03-2013. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 04-2013: An Ordinance to Amend Ordinance 2007-06 Various Roads to permit LED Street Lighting. This does not increase the amount of the Ordinance but Allows for the Change in the Period of Usefulness.

Mayor DelVecchio read Ordinance Number 04-2013 into the record by title and informed the members of the public present that this ordinance will amend Various roads to allow a study of current street lighting and City owned properties to see if LED lights will be more energy efficient and cost effective.

City of Lambertville

ORDINANCE NUMBER 04-2013

**BOND ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE
COUNTY OF HUNTERDON, NEW JERSEY AMENDING BOND
ORDINANCE NUMBER 2007-06, FINALLY ADOPTED MARCH 19,
2007, TO ADD ADDITIONAL PURPOSE**

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), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), AS FOLLOWS:

Section 1. Section 3 of Bond Ordinance 2007-06, finally adopted March 19, 2007 (the "Prior Ordinance") is hereby amended to read as follows:

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is road improvements to various streets, including, but not limited to, Quarry Street and Swan Street, and the inventory and analysis of existing public lighting fixtures within the City and recommendations for replacement with energy efficient fixtures in accordance with

a proposal from Stephen E. Lohm, LC, IES, LEED AP dated January 23, 2013 and on file in the Office of the City Clerk, and each including all work and materials necessary therefor and incidental thereto.

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

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 2. 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 City Clerk and is available there for public inspection.

Section 3. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio opened the public hearing on Ordinance Number 04-2013. He asked for public comments. There being no public comments, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 04-2013. Councilman Sanders made a motion to close the public hearing on Ordinance Number 04-2013. 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 on second reading and final approval of Ordinance Number 04-2013. Council President Stegman made a motion to adopt on second reading and final approval, Ordinance Number 04-2013. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

UNFINISHED BUSINESS.

Update on Various Construction Improvement Projects.

City Hall – construction will begin once the weather breaks.

South Franklin & Weeden Street Drainage Project – the bid for phase II of the project was awarded tonight.

Ely Field Light Poles – the last pole was installed at the field and the project is complete.

Miscellaneous – nothing.

Update on projects for flood relief:

Swan Creek – the grant was resubmitted by T and M Associates.

Ely Creek – the project was delayed by the gate manufacturer. The gate has been installed and the contractor is working on the electric. A training date will be scheduled for the end of this month or beginning of April with Public Works and the Fire Department. The Mayor asked the Public Works Director where the pump was being stored. The Acting Public Works Director said it was currently on the trailer at Public Works.

Miscellaneous – nothing.

Update on various non-construction projects:

SWIFT Reach 911 – nothing.

Shared Services.

SHRHS Regionalization Work Group – Councilman Sanders stated that the Work Group met on March 5, 2013 and reviewed a revised draft of the ballot questions on dissolution and regionalization and their respective interpretive statements. The revised versions were going to the SHRHS Board attorney for further review. The ballot questions are expected to be finalized soon and scheduled for a September 2013 election. Councilman Sanders stated that legislators are developing legislation to allow ballot questions, like those scheduled for regionalization, in a November election, which is currently prohibited. However, it is not expected to be passed in time to allow for the SHRHS ballot question to part of a November election in 2013.

Garbage & Recycling.

Mayor DeVecchio reported the following: Garbage is down 9.98%, recycling is down 3.6%, and this represents a cost savings of 18.48% over 2011. This is a minor improvement over last month.

CORRESPONDENCE.

STONEKING PHYSICAL THERAPY: 2nd Annual Shad Run 5k and 1 Mile Health Walk scheduled for April 13. The Police Director reported that he has been working with Cindy Stoneking on this event. The route has changed and will now proceed up North Union Street instead of Main Street.

STATE OF NEW JERSEY DOT: letter regarding the City's request for a crosswalk on Bridge Street.

Council President Stegman asked the Police Director how many parking spaces would be lost if the State installed the crosswalk on Bridge Street. The Police Director and the Acting Public Works Director measured and believe it will impact three parking spaces. They looked at the possibility of instead of losing one parking space, making the parking space in front of Pasha Rugs a compact parking space.

Discussion ensued. Mayor and Council discussed the State's request for a resolution and the Police Director felt that the resolution would authorize the investigation which would allow him to work with the representative from NJDOT on this project.

City of Lambertville

RESOLUTION NUMBER 63-2013

A Resolution to Formally Request the State of New Jersey, Department of Transportation, Investigate the Installation of the Crosswalk at the Tow Path on Bridge Street

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that, the City of Lambertville supports the following:

1. The installation of the crosswalk on Bridge Street to allow the continuation of the D&R Canal State Park across Bridge Street, and
2. The elimination of parking on Bridge Street if it is found that it would conflict with the crosswalk within the statutory limits defined for crosswalk safety.

ADOPTED: March 19, 2013

Councilman Sanders made a motion to adopt Resolution Number 63-2013. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

HUNTERDON COUNTY DEPARTMENT OF SAFETY & DIVISION OF PUBLIC HEALTH SERVICES: letter regarding Pesticide Control Regulations and the county's mosquito control program.

COMCAST: letter regarding their Internet Essential Program.

SCOTT CONSOLI: request for approval of a Block Party scheduled for May 18th with the rain date of May 19th with all proceeds donated to the Hibernia Fire House. Mr. Consoli would like to close Main Street from the Hibernia Fire House to the corner of Swan Street.

Mr. Consoli was present to discuss his request with Mayor and Council members. He said he wanted to have a block party that benefitted the Hibernia Fire Company and would like to close down Main Street from the fire company to Swan Street.

Mayor DelVecchio asked Mr. Consoli if he considered different dates and/or different locations. Mr. Consoli said he did and he thought this would be the best thing for the Hibernia Fire Company. Mayor and Council asked Mr. Consoli to consider different options and hours and to speak with the residents on the street. This will be considered at the April 16th session of Mayor and Council.

NEW BUSINESS.

Appointments & Resignations from Boards.

Mayor DelVecchio announced the resignation of Preston Klingseis from the LMUA, William Dorman from the Historic Preservation Commission and nominated Sean Faherty to the Cable Television Advisory Board, John Case for Historic Preservation Commission. He asked for a motion from council confirming. Councilman Sanders made a motion to confirm Mayor DelVecchio's nominations and accept the resignations. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Shade Tree Commission. Discussion on the acceptance of applications and application fees for the removal of shade trees – nothing to report.

ANNOUNCEMENTS.

LANDLORD REGISTRATION APPLICATIONS are due by April 1, 2013. All rental units must be registered with the City of Lambertville (Ordinance 2010-23). All rental properties with two (2) or more rental units must also register with the State of New Jersey.

FOOD & VENDING MACHINE LICENSE RENEWALS are due by the end of May!

COMMUNITY AGGREGATION: The City of Lambertville is hosting a meeting on Wednesday, March 27th at 7 pm at the Phillip L. Pittore Justice Center on the topic of Community Aggregation. Community Aggregation is an energy program offered through the City which will lower electric purchases. Mayor DelVecchio invited the public to attend the meeting to discuss community aggregation.

SPECIAL SESSION OF MAYOR AND COUNCIL is scheduled for Wednesday, March 20th to introduce the 2013 budget.

Mayor DelVecchio invited the public to attend the public session on the introduction of the 2013 budget.

SHAD FESTIVAL: Saturday, April 27 and Sunday, April 28th!

Public Participation/Petition of Citizens and Public Discussion.

Caren Franzini asked for the street sign on South Union and Swan Street to be fixed and inquired about the status of the Swan Creek application to FEMA. Mayor DelVecchio asked the Acting Public Works Director to fix the sign and informed Mrs. Franzini that the City submitted a letter of intent to FEMA for Swan Creek. He continued by saying that in 2006 the City worked with Congressman Holt's office and looked at utilizing UDAG funds. FEMA said our application made sense so we applied and they turned us down. We met with FEMA, who helped us to rewrite the application, made their requested changes and we were turned down again, however, never received formal notification. We have been told however, that the funding was used for the buy outs for those who resided on the Passaic River and we were up against other acts of nature.

Caren asked if there was anything the neighborhood could do to help facilitate the award of the grant funds. The Mayor said we are in the early stages again and at some point we may need their help. If we don't succeed this time, we may need to go to plan b. Scott Consoli asked if there was a long term solution for Swan Creek. Mayor DelVecchio said he wasn't aware of any. Caren Franzini suggested that Swan Creek be dredged and said that is why it is flooding now.

Mayor DelVecchio asked if there were further comments from the public. There being no further comments, Mayor DelVecchio asked for a motion to adjourn.

ADJOURNMENT.

Council President Stegman made a motion to adjourn at 8:04 p.m. Councilwoman Asaro seconded the motion. 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 Tuesday, April 16, 2013.