



**City of Lambertville**  
**Regularly Scheduled Session of Mayor & Council**  
**Tuesday, April 16, 2013, 6:30 p.m.**  
**Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville**  
**Agenda**

The meeting was called to order at 6:35 p.m. by Mayor DeVecchio with a statement of compliance with the open public meeting act, providing the required notice on Friday, April 12, 2013 to the Beacon, the Democrat, the Times, posting the agenda to the bulletin board at city hall, the website at [www.lambertvillenj.org](http://www.lambertvillenj.org), and noticing various people on the list serve, inclusive of department heads, city attorney and city engineer.

**ROLL CALL.**

Mrs. Ege called the roll as follows:

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

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 April 16, 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 April 16, 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 DeVecchio.

Nays: Councilwoman Asaro.

Mayor DeVecchio and City Council convened in closed session at 6:36 p.m.

Mayor DeVecchio and City Council re-convened in regular session at 6:50 p.m.

Mayor and Council took a 10 minute break and resumed the meeting at 7 pm.

**PLEDGE OF ALLEGIANCE.**

Mayor DelVecchio led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE.**

Mrs. Ege led the public in a moment of silence in honor of those serving their country in the United States Armed Forces.

**COMMUNITY WELLNESS DAY.**

Mayor and Council took turns reading the proclamation into the record.

*Proclamation  
Community Wellness Day  
May 18, 2013*

**WHEREAS**, Fifty-five percent of New Jersey residents are obese or overweight, and medical expenses for treating problems related to obesity in our state total billions annually, *and*

**WHEREAS**, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and the current generation of children in America may have shorter life expectancies than their parents, *and*

**WHEREAS**, the Mayor and City Council Members seek to foster active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives, *and*

**WHEREAS**, River's Edge Chiropractic and Body Tech Fitness are hosting the second annual Community Wellness Day for Lambertville residents and visitors on May 18, 2013 from 11 a.m. to 4 p.m. at the Lambertville Public School, *and*

**WHEREAS**, local public leaders recognize Community Wellness as an important day to engage and empower our community to take responsibility for their families' wellbeing, *and*

**WHEREAS**, the event will feature the fire department, car and bicycle safety, internet safety, identify fraud protection, financial literacy, senior services and environmental programs, *and*

**WHEREAS**, local professionals will also provide health screenings, drug and alcohol awareness.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council Members of the City of Lambertville, support Community Wellness Day in the City of Lambertville, County of Hunterdon, State of New Jersey, *and*

**BE IT FURTHER RESOLVED** that May 18, 2013 is hereby proclaimed Community Wellness Day in the City of Lambertville.

**ADOPTED:** April 16, 2013

David M. DelVecchio  
Mayor

Mayor DelVecchio asked for a motion to adopt the proclamation. Council President Stegman made a motion to adopt the proclamation supporting Wellness Day in Lambertville. 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 MINUTES.**

Council President Stegman made a motion to approve the following minutes: March 19, 2013 Regularly Scheduled Session Minutes, March 19, 2013 Closed Session Minutes, and March 20, 2013 Special Session Minutes. Councilwoman Asaro 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, 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. Councilman Sanders 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.**

Councilman Sanders made a motion to approve the Bills Lists (3 separate lists) for the evening. 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.**

Consent Agenda: *provides rapid response to items which do not require discussion.*  
Resolution Number 71-2013 was removed from the consent agenda.

Resolution Number 65 -2013: A Resolution to Cancel the Emergencies from Hurricane Irene.

**City of Lambertville**

**RESOLUTION NUMBER 65-2013**

*A Resolution to Cancel Any Unused Emergency Balance*

WHEREAS in September of 2011 due to Hurricane Irene, the City of Lambertville adopted Resolution Number 146-2011 in the amount of \$17,000 and Resolution Number 149-2011 in the amount of \$138,598, and

WHEREAS in October of 2011, the City of Lambertville adopted a supplemental resolution in the amount of \$53,698.39, and

WHEREAS, in December of 2011, the City of Lambertville adopted Resolution Number 183-2011 to cancel the unexpended balance of the special emergency in the amount of \$20,591.52, and

WHEREAS, the City made various applications to FEMA and to the city's insurance companies and have received a refund from FEMA in the amount of \$141,327.42, Insurance in the amount of

\$45,151.43, and a refund from the contractor in the amount of \$8,672, for a total reimbursement of \$195,150.85.

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 unexpended balance of the special emergency appropriation 01-210-00-1999-100 is hereby cancelled.

ADOPTED: APRIL 16, 2013

Resolution Number 66-2013: A Resolution to Approve the Salary & Wage.

*City of Lambertville*

**RESOLUTION NUMBER 66-2013**

*A Resolution to Adopt the Salary & Wage Ordinance Electrical Subcode Officials*

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 following salary & wages are approved:

- Victor Timpenaro, Electrical Subcode Official for a 4 year term,
  - Annual Salary of \$9,000 for the City of Lambertville and
  - \$35 per hour for Frenchtown,
- Keith Steele as the Substitute Electrical Subcode Official at a rate of \$35 per hour.

ADOPTED: APRIL 16, 2013

Resolution Number 67-2013: A Resolution to Approve Change Order #5 for the Ely Creek Flood Gates in the Amount of \$8, 139.50 for the Special Engineer.

*City of Lambertville*

**RESOLUTION NUMBER 67-2013**

*A Resolution to Approve the Change Order for Ely Creek Flood Gates*

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 change order number 5 for Princeton Hydro in the amount of \$15,777.68 is hereby approved subject to the availability of funds.

ADOPTED: APRIL 16, 2013

Resolution Number 68-2013: A Resolution Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey.

*City of Lambertville*

**RESOLUTION NUMBER 68-2013**

*A Resolution to Support Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey*

**WHEREAS**, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

**WHEREAS**, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

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**WHEREAS**, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

**WHEREAS**, the City of Lambertville has been a direct beneficiary of, and partner to, these critical state preservation programs; and

**WHEREAS**, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

**WHEREAS**, it is imperative that a long-term, dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage local, county, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns
- protect our quality of life and economic prosperity.

**NOW, THEREFORE, BE IT RESOLVED** on this \_\_\_\_ day of \_\_\_\_\_, 2013, by the City of Lambertville in the County of Hunterdon, State of New Jersey, that:

1. The City of Lambertville supports establishment of a long-term, dedicated source of state funding for these purposes.
2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Shirley Turner, Assemblywoman Bonnie Watson Coleman, and Assemblyman Reed Gusciora. The Freeholders of Hunterdon County, and the New Jersey State League of Municipalities.

Result:            Adopted

***Resolution Number 69-2013: A Resolution to Approve the Application to ANJEC for An Open Space Grant (as recommended by the Lambertville Environmental Commission for the Open Space at the Corner of North Union and Cherry Streets).***

**City of Lambertville**

**RESOLUTION NUMBER 69-2013**

*A Resolution to Approve the Application to ANJEC for An Open Space Grant*

**WHEREAS**, the City of Lambertville acquired the property at the corner of North Union and Cherry Streets (the Cherry Street Parcel) to be permanently preserved as open space; and **WHEREAS** any future use, improvement or enhancement of the Cherry Street Parcel for active or passive uses, which might include community gardening, recreation, or range of other potential uses consistent with the permanent protection of the land as open space, requires an open process and community participation and support in the selection of uses and the design of any improvements or enhancements; and

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WHEREAS the Lambertville Environmental Commission (LEC) is leading a public process to engage residents in the review and selection, and as appropriate, design of future use of the options for the park; and

WHEREAS the Association of the New Jersey Environmental Commissions has establish an open space grant program suited to the support of the LEC's public process.

NOW THEREFORE BE IT RESOVLED that the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey strongly supports the Lambertville Environmental Commission's open space grant application to the New Jersey Association of Environmental Commissions; and

BE IT FURTHER RESOLVED that the Mayor and Council urges the New Jersey Association of Environmental Commissions to approve funding for the Lambertville Environmental Commission's open space grant application to support a public process of enhancing and improving the Cherry Street Parcel.

ADOPTED: April 16, 2013

Resolution Number 70-2013: *A Resolution Accepting the Appraisal of Block 1002, Lot 64, Block 1097, Lot 7.01 Prepared by Norman J. Goldberg SRA, CRE, GAA and IFAS, Dated September 14, 2012.*

**City of Lambertville**

**RESOLUTION NUMBER 70-2013**

*A Resolution to Accept the Appraisal of Block 1002, Lot 64, and Block 1097, Lot 7.01 Prepared by Norman J. Goldberg, SRA, CRE, GAA, and IFAS, Dated September 14, 2013*

NOW THEREFORE BE IT RESOVLED that the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that it hereby accepts and approves the appraisal of Block 1002, Lot 64 and Block 1097, Lot 7.01 prepared by Norman J. Goldberg SRA, CRE, GAA and IFAS, dated September 14, 2012.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to enter into bona fied negotiations with the owners of said properties.

ADOPTED: April 16, 2013

Resolution Number 72-2013: *A Resolution to Authorize the Mayor and City Clerk to Execute the Documentation for Subordination on the Loan to Amy Wells, Block 1051, Lot 20.10, 70 South Union Street in the Amount of \$24,321.*

**City of Lambertville**

**RESOLUTION NUMBER 72-2013**

*A Resolution to Authorize the Mayor and Clerk to Execute the Documentation for Subordination on the Loan to Amy Wells, Block 1051, Lot 20.10, 70 South Union Street in the Amount of \$24,321.*

NOW THEREFORE BE IT RESOLVED BY Mayor and Council that the Mayor and Clerk are hereby authorized to sign the subordination documents for the loan to Amy Wells, Block 1051, Lot 20.10, 70 South Union Street, in the Amount of \$24,321.

ADOPTED: April 16, 2013

Resolution Number 73-2013: *A Resolution to Authorize the Redemption of Tax Lien Certificate 11-09 for Block 1088, Lot 22 in the Amount of \$2,136.91*

**City of Lambertville**

**RESOLUTION NUMBER 73-2013**

*A Resolution to Authorize the Redemption of Tax Lien Certificate 11-09 for Block 1088, Lot 22 in the Amount of \$2,136.91*

**WHEREAS** Tax Lien Certificate 11-09 for Block 1088, Lot 22 in the amount of \$523.94 was sold to US Bank, Custodian for Crestar Capital LLC on October 19, 2011, and

**WHEREAS** payment has been received by the Tax Collector for redemption of the tax lien from the property owner.

**NOW, THEREFORE, BE IT RESOVLED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that a check be authorized to US Bank, Crestar Capital, LLC for redemption of Tax Lien Certificate 11-09 in the Amount of

\$ 523.94	representing the amount of the certificate, plus
\$ 294.42	interest and costs
\$1,318.54	subsequent liens paid
\$2,136.91	Total Amount Due

ADOPTED: April 16, 2013

Resolution Number 74-2013: A Resolution to Establish Towing Fees In Accordance With Ordinance 07-2013.

City of Lambertville

**RESOLUTION NUMBER 74-2013**

*A Resolution to Establish the Towing Fees In Accordance with Ordinance Number 07-2013*

**WHEREAS**, section 5.44.040 Application fees of Ordinance Number 07-2013, for Towing requires the Mayor and Council to adopt a resolution establishing the towing fees, and

**WHEREAS**, all application fees submitted to the City are nonrefundable and shall be utilized to offset the cost of processing of the application and license.

- A. Initial application fee \$150.00.
- B. Renewal application fee \$100.00.

**WHEREAS**, in accordance with Ordinance Number 07-2013, the maximum fee rate schedule will be set by resolution and is as follows:

**Rate Schedule**

- A. Basic Towing Services.
 

Days (8:00 a.m. to 4:30 p.m.) First mile or less . . . . .	\$80.00 1 <sup>st</sup> mile
Nights, weekends and N.J. state holidays First mile or less . . . . .	\$95.00 1 <sup>st</sup> mile
Each additional mile. . . . .	\$ 4.00 (loaded)

- B. Storage Fees.
 

Inside storage per 24 hours (must have been requested) . . . . .	\$40.00 per day
Outside storage per 24 hours . . . . .	\$30.00 per day

*Storage and storage fees cannot exceed 30 days*

C. Other Services. Tire changing, jump starts, fuel, etc., shall be at the basic rate set out in subsection A of this section. Cleaning up and bagging of liquid spills is an additional expense of \$25.00. The above towing fees do not include heavy duty towing but apply only to a private passenger automobile/utility vehicle. Additional services as may be required for recovery such as up-righting of vehicle, etc. which are considered to be "special cases" for which a fee of \$30.00 per half hour, per vehicle after the first half hour on the scene for these special cases may be charged.

“After Hours Pickup” from storage facility shall be an additional \$40.00.

"Stand-by" time at scene of major accidents when so required by police shall not exceed fifty dollars (\$50.00) per hour in addition to above and does not include heavy duty towing.

"Basic towing service" means the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

"Reasonable Yard Charge" means a one-time charge for crash vehicles that are leaking fluids and stored in the tow operators yard.

"Additional Fees" means charges not mentioned in this ordinance which are prohibited.

**NOW THEREFORE BE IT RESOVLED** by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the aforementioned fees for Towing are hereby authorized upon the adoption of Ordinance Number 07-2013 and shall continue in effect until amended by resolution of the governing body.

**ADOPTED:** April 16, 2013

Mayor DelVecchio asked for a motion to adopt the resolutions listed on the consent agenda. Councilman Sanders made a motion to adopt 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.**

Resolution Number 71-2013: A Resolution to Authorize the Grant Application, in the Amount of \$182,090.83 to Hunterdon County for the Purchase of the McCann Property.

Mayor DelVecchio informed the members of the public present that this resolution is to use the funds banked with Hunterdon County for Open Space for the purchase of the McCann Property.

City of Lambertville

RESOLUTION NUMBER 71-2013

*Resolution To Authorize the Application to Hunterdon County for the Use of Banked Funds in the Amount of \$182,090.83 to Purchase of the McCann Property, Block 1097, Lot 7.01 – 25 Jean Street, Block 1002, Lot 64 – 140 York Street*

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders has approved an Open Space, Recreation, Farmland and Historic Preservation Trust Fund and establish a Historic Preservation Grant Program to provide County Funds in connection with the acquisition of historic properties and the preservation of historic properties, buildings, structures facilities, sites, areas or objects, in Hunterdon County; and

**WHEREAS**, the City of Lambertville desires to further the public interest by utilizing the City's banked funds in the amount of \$182,090.83 from the County of Hunterdon to assist with the funding of the purchase of the McCann Property, Block 1097, Lot 7.01 – 25 Jean Street, Block 1002, Lot 64 – 140 York Street, located in the City of Lambertville, County of Hunterdon, State of New Jersey, for the purpose of open space preservation;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey resolves that the Mayor, City Clerk, City Attorney and City Engineer are authorized to make an application and execute the documents required for this application to the County of Hunterdon to use the banked funds in the City's Open Space Account in the Amount of \$182,090.83 to assist with the purchase of the McCann Property, Block 1097, Lot 7.01 – 25 Jean Street, Block 1002, Lot 64 – 140 York Street.  
**ADOPTED:** April 16, 2013

Mayor DelVecchio asked for a motion to adopt Resolution number 71-2013. Council President Stegman made a motion to adopt Resolution Number 71-2013. Councilwoman Asaro 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 07-2013: An Ordinance to Amend Chapter 5 of the City of Lambertville General Ordinances, Adding Towing.

Mayor DelVecchio read Ordinance Number 07-2013 into the record. He informed the members of the public present that this ordinance will bring the City into full compliance with the laws of the State of New Jersey. Ordinance Number 07-2013 was amended to include the references to the New Jersey Administrative Code as per Councilman Sander's request.

### City of Lambertville

#### ORDINANCE NUMBER 07 -2013

*An Ordinance to Amend Chapter 5, General Licensing, Adding Section 12, Towing Licenses*

#### **Chapter 5.44**

#### **TOWING**

#### **Section 12:**

**5-12.01 License required.**

**5-12.02 Exceptions--Owner requested service.**

**5-12.03 License--Term.**

**5-12.04 Application fees.**

**5-12.05 Investigation and inspection.**

**5-12.06 License--Disapproval, suspension or revocation--Appeal.**

**5-12.07 Rules and regulations--Amendments.**

**5-12.08 Maximum fee rate schedule.**

**5-12.09 Indemnification.**

**5-12.10 Violations--Penalties.**

#### **5-12.01 License required.**

A. No towing operator on or after June 21, 2013, shall operate within the City for police requested towing services and/or storage services unless the towing operator has obtained a license issued by the City.

B. The requirement for an initial license under this chapter shall commence on June 21, 2013, and the initial license shall expire on December 31, 2013. Thereafter, the license shall be issued on an annual basis for the period of January 1 through December 30 of the following year.

C. There shall be no limitation on the number of licenses issued and in effect at one time, so long as each licensee meets the requirements of this chapter and complies with the tow operators rules/regulations and guidelines established by the City.

D. The application for a license under this chapter shall be upon forms made available through the office of the City Clerk.

**5-12.02 Exceptions--Owner requested service.**

No tow operator license shall be required for the on-site repair, and/or the towing or storage of any vehicle when the request is received by the towing operator from the motor vehicle owner/operator prior to a police request, or if the owner/operator of a motor vehicle requests the police contact a tow company of the owner/operator's choice for towing and/or storage under the direction and control of the owner/operator.

**5-12.03 License--Term.**

A. Upon the ordinance codified in this chapter becoming effective, applications for the initial license shall be available from and must be received by the City Clerk on or before November 1 of each year.

B. the City Clerk will forward all complete applications to the Police Director within five days of receipt. The Police Director will conduct, or cause to be conducted, an investigation of each application to verify the information contained in the application, background check, survey of equipment, compliance with established rules and regulations, and such other pertinent matters related to potential licensing or renewal. Upon concluding the review, the Police Director will return a copy of the application to the City Clerk, along with a recommendation for approval or disapproval of a license, and the reasons, if any, for disapproval. The City Clerk shall issue a tow operator license to each qualified applicant, and thereafter, the licensee's name shall be placed on the City Police Department licensed tow operator's list. The clerk shall forward to any person rejected for a license, a copy of his or her application with the reasons for disapproval.

C. The term of the license shall be for one year commencing January 1 and expiring on the next succeeding December 31, and shall list the name of the tow operator business and each employee licensed thereunder.

D. Each licensee shall be required to maintain in full force and effect during the term of its license, insurance coverage including garage liability and garage keeper's liability insurance, comprehensive automobile liability insurance, and worker's compensation insurance with limits of not less than those set forth in the tow operators rules/regulations and guidelines, and provide proof of such coverage to the City Clerk at the time of filing of its license application.

E. In the event of any disapproval, suspension or revocation of a license for failure to comply with this chapter or the tow operator's rules/regulations and guidelines, no refund of application fees shall be given, and payment of another initial application fee shall be required upon applying for reinstatement.

**5-12.04 Application fees.**

All application fees submitted to the City are nonrefundable and shall be utilized to offset the cost of processing of the application and license. The fees will be set by resolution adopted by Mayor and Council.

**5-12.05 Investigation and inspection.**

A. The Police Department of the City may conduct a thorough background check of the licensee, its officers, principals, and employees prior to the granting of a license. A conviction for high misdemeanor and/or a motor vehicle record evidencing unsafe driving habits or a disregard for the New Jersey Motor Vehicle Laws, will be considered ample reason to disqualify any applicant or a particular employee. Each prospective licensee shall furnish with its application, executed background check waivers for all officers, principals and employees, in the form provided by the Police Director.

B. Each licensee shall submit the names of all employees newly hired during the term of the license for a review and background check, which may be performed by the City Police Department prior to such individual being added to the license and performing any services as described in this chapter. The license shall be subject to revocation for failure to submit employees to such a background check.

**5-12.06 License--Disapproval, suspension or revocation--Appeal.**

A. The Police Director shall have the right, in his or her sole discretion, to disapprove and suspend or revoke any license issued under this chapter, upon investigation and the determination that there has been a violation of the tow operators rules/regulations and guidelines and/or this chapter by the licensee or its employees.

B. The Police Director shall be the sole administrator of the police department's licensed tow Operator's list. All complaints concerning any licensed tow truck company/operator shall be forwarded to the Police Director for review and investigation.

C. Any license suspension or revocation shall cause the tow company to be removed from the tow operator's list. A licensed tow company which has been suspended or revoked may reapply in accordance with the provisions of this chapter to be placed on the list as of October 1st of the year after the suspension or revocation.

D. An applicant or licensee shall have the right to appeal the decision of the Police Director to the Mayor and Council to disapprove suspend or revoke its license. Any aggrieved party may appeal the decision of the Police Director by providing a written statement of appeal containing the facts and supporting documentation to the Mayor within seven days of the date of such disapproval, suspension or revocation.

Within fourteen (14) days of the receipt of the appeal, the Mayor shall investigate the matter and issue a written report thereon, with copies to the aggrieving party, the Police Director and the City Clerk.

In the event that the matter is not resolved to the satisfaction of the aggrieved party, then the aggrieved party may request a final review of such action by the City Council, by filing a written request with the office of the City Clerk within seven days of the date of the Police Director's written report. Thereafter, the City committee will conduct a review of the matter and issue a final determination no later than the second regular City Council meeting next following the receipt of the written request by the City Clerk.

**5-12.07 Rules and regulations--Amendments.**

The Police Director is directed to monitor, and from time to time, recommend to the Mayor and Council, amendments to the tow operators rules/ regulations and guidelines for consideration and enactment by formal resolution of the mayor and Council at a public meeting. Prior to the adoption of any amendment to these initial tow operators rules/regulations and guidelines, the Police Director shall provide to each tow operator licensed under this chapter, a copy of such proposed amendment at least five days in advance of the public meeting at which the Mayor and Council will consider such recommendations and will be in accordance with the Administrative Code of the State of New Jersey.

**5-12.08 Maximum fee rate schedule.**

There is established and adopted, a maximum fee rate schedule for the towing and storage by licensees under this chapter. The maximum fee rate schedule set forth herein shall also be made part of the rules, regulations and guidelines for tow operators, and shall be subject to adjustment, which will be authorized by Resolution of the Governing Body and shall include the following categories and be in accordance with the Statutes (P.L. 2007, Chapter 193) and Administrative Code of the State of New Jersey:

**Rate Schedule**

A. Basic Towing Services.

Days (8:00 a.m. to 4:30 p.m.) First mile or less

Nights, weekends and N.J. state holidays First mile or less

Each additional mile

B. Storage Fees.

Inside storage per 24 hours (must have been requested)

Outside storage per 24 hours

Storage and storage fees cannot exceed 30 days

C. Other Services. Tire changing, jump starts, fuel, etc., shall be at the basic rate set out in Subsection A of this section. Cleaning up and bagging of liquid spills is an additional expense. The above towing fees do not include heavy duty towing but apply only to a private passenger automobile/utility vehicle. Additional services as may be required for recovery such as up-righting of vehicle, etc. which are considered to be "special cases" may be charged.

"After Hours Pickup" from storage facility.

"Stand-by" time at scene of major accidents when so required by police and does not include heavy duty towing.

"Basic towing service" means the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

"Reasonable Yard Charge" means a one-time charge for crash vehicles that are leaking fluids and stored in the tow operators yard.

"Additional Fees" means charges not mentioned in this ordinance which are prohibited.

D. If a licensed Tow Operator tows a vehicle at the request of the Police Department, and it is determined by the Police that the vehicle is abandoned, and then the Police Department will direct that the vehicle will then be towed to the Police Impound Yard. The Tow Operator may then charge the City for a basic daytime tow rate if the vehicle was towed during the day, or the basic night, weekend or holiday rate if the vehicle was towed during that time. The City will only pay the basic rates. All other fees will not apply (mileage, clean-up, storage, etc.).

**5-12.09 Indemnification.**

All licensees, by applying for and accepting a tow operator's license under this chapter, agree to and shall indemnify and hold the City and its officers and employees harmless from any liability, expense or costs of suit, including reasonable attorney's fees and costs, arising out of or resulting from any action of the tow operator in performing towing and storage services in the City as a licensee under this chapter. This indemnification clause shall be included as part of the application for a license and shall also be printed on the applicant's license.

**5-12.10 Violations--Penalties.**

Any person or entity that shall be found to have violated any section of this chapter, or to have submitted a false or misleading application, shall in addition to penalties hereinafter provided in this chapter, be subject to removal from the tow operator's list and/or suspension or revocation of their license.

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Upon conviction of a violation of this chapter, the person or entity shall be punishable by a fine see Chapter I, Section I-5, General Penalty.

INTRODUCED/FIRST READING: April 16, 2013  
PUBLIC HEARING/SECOND READING: May 21, 2013  
FINAL ADOPTION: June 21, 2013

Mayor DelVecchio asked for a motion to introduce Ordinance Number 07-2013. Councilman Sanders made a motion to introduce Ordinance Number 07-2013. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for May 21, 2013.

*Ordinance Number 08-2013: An Ordinance Authorizing the Exercise of Eminent Domain, If Advisable, To Acquire Block 1002, Lot 64 and Block 1097, Lot 7.01 in the City of Lambertville.* Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public that this is necessary for the purchase of the McCann property to preserve as open space.

*City of Lambertville*

**ORDINANCE NUMBER 08-2013**

*An Ordinance Authorizing the Exercise of Eminent Domain, If Advisable, To Acquire Block 1002, Lot 64, and Block 1097, Lot 7.01 in the City of Lambertville*

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that it hereby authorizes studies and proceedings to be commenced in order to evaluate the advisability of exercising the power of Eminent Domain and ultimately to exercise such power, if deemed advisable, in order to acquire, Block 1002, Lot 64 and Block 1097, Lot 7.01, in the City of Lambertville, for an amount initially to be determined by way of appraisal and ultimately by voluntary agreement or determination made pursuant to the Eminent Domain Act.

BE IT FURTHER ORDAINED that is the intent of this Ordinance to allow but not require the exercise of Eminent Domain to acquire the aforesaid properties.

BE IT FURTHER ORDAINED that the City Clerk, City Engineer, City Attorney and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of the Ordinance.

This Ordinance shall take effect upon adoption and publication according to law.

INTRODUCED/FIRST READING: April 16, 2013  
PUBLIC HEARING/SECOND READING: May 21, 2013

Mayor DelVecchio asked for a motion to introduce Ordinance Number 07-2013. Council President Stegman made a motion to introduce Ordinance Number 07-2013. 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 May 21, 2013.

**ORDINANCES – SECOND READING AND FINAL ADOPTION.**

*Ordinance Number 05-2013: An Ordinance to Amend Bond Ordinance Number 2007-06 to Fund Upgrades to LED Lighting and the WTC Memorial at Mary Sheridan Park.*

**City of Lambertville**  
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Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public that this ordinance is for the WTC Memorial at Mary Sheridan Park.

**City of Lambertville**

**ORDINANCE NUMBER 05-2013**

*A Bond Ordinance to Amend Bond Ordinance Number 2007-06, as amended by 04-2013, to Authorizing improvements to various streets to include installation of the 9/11 Memorial Garden in the Pocket Park located at Mary Sheridan Park.*

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.

INTRODUCED: March 19, 2013  
PUBLIC HEARING: April 16, 2013  
DEFEATED: April 16, 2013

Mayor DelVecchio asked for comments from the public. He commented that this ordinance is to fund the 9/11 Memorial which was meant to be a positive thing that became divisive. He believes that it will eventually find a home, just not at Mary Sheridan Park.

There being no additional comments from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance 05-2013. Councilwoman Asaro 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 on second reading and final approval. Councilman Sanders made a motion to adopt Ordinance 05-2013. Councilwoman Asaro seconded the motion. A collective vote opposing the motion was taken by all members present. MOTION DEFEATED.

Mayor DelVecchio said this will continue to move forward until the public finds a place for it.

## PROCLAMATIONS.

### SOUTH HUNTERDON REGIONAL HIGH SCHOOL – FALL STUDENT AWARDS.

Mayor DelVecchio invited the students from the fall sports to join him in the front of the room. Mayor and Council members took turns reading the proclamation. Students present included: Samantha Soscia, Brett Lelie, Toby Coleman, Jake Whitaker and Devon Troutman.

#### PROCLAMATION

**WHEREAS**, students from the South Hunterdon Regional High School participate in a variety of sports, and

**WHEREAS**, South Hunterdon Regional High School is a small regional school receiving students who reside in the City of Lambertville, West Amwell Township and the Borough of Stockton, and

**WHEREAS**, the following students have been recognized by the All-Conference County Team for the 2012-2013 fall season:

#### Field Hockey: Team-Conference Champs

*1st Team All-Conference:* Kaycee Zelkovsky, Amber Dey, Samantha Soscia, Brett Lelie

*2nd Team All-Conference:* Natalie Muscatell, Ashley Eick, Sarah McCaffrey

*All West Jersey:* 1st Team: Kaycee Zelkovsky, 2nd team: Amber Dey, 3rd team: Sam Soscia

*All State:* 2nd team: Kaycee Zelkovsky, 3rd team: Amber Dey

#### Football: Team-Conference Champs

*1st Team All-Conference:* Jack Price, Dan Voorhees, Robert Albanir, Jake Whitaker, Toby Coleman, Devon Troutman

*1st Team All County:* Jack Price, Dan Voorhees, Toby Coleman

#### Soccer

*1st Team All-Conference:* Zach Mastrich

*2nd Team All-Conference:* Jonathan Wendeborn, Andrew Nini

#### Cross Country

Kelly Shaffer

James Evans, Joe Quinn

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the fore mentioned students of South Hunterdon Regional High School be congratulated on a job well done and wished much success with their future athletic and scholar achievements.

**ADOPTED:** April 16, 2013

David M. DelVecchio  
Mayor, City of Lambertville

Mayor DelVecchio congratulated the students on their achievement and added that everyone is so proud of them. He asked for a motion to adopt the proclamation honoring the students from South Hunterdon who participated in the fall sports. Council President Stegman made a motion to adopt the proclamation. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **SOUTH HUNTERDON REGIONAL HIGH SCHOOL – WINTER STUDENT AWARDS.**

Mayor DelVecchio invited the students who participated in the winter sports to join him at the front of the room. Mayor and Council members took turns reading the proclamation into the record. The following students were present to accept their proclamation: Jake Whitaker, Devon Troutman, Brett Lelie, and Roxanne Krieder. Councilman Sanders complimented the basketball team and added that he may use one of their plays with the team he coaches this spring!

#### **PROCLAMATION**

**WHEREAS**, students from the South Hunterdon Regional High School participate in a variety of sports, and

**WHEREAS**, South Hunterdon Regional High School is a small regional school receiving students who reside in the City of Lambertville, West Amwell Township and the Borough of Stockton, and

**WHEREAS**, the following students have been recognized by the All-Conference County Team for the 2012-2013 winter season:

#### **Boys Basketball:**

*1st Team All-County, 2nd Team All-Conference:* Jake Whitaker:

*2nd Team All-County, Honorable Mention All-Conference:* Jake Phillips

*Honorable Mention All-Conference:* Devon Troutman

#### **Girls Basketball**

*1st Team All-Conference, Honorable Mention All-County:* Lauren McBride

*Honorable Mention All-County:* Brett Lelie

*Honorable Mention All-Conference:* Meghan Donnelly

#### **Bowling**

*2nd Team All-Conference:* Justin DeUmberto

*2nd Team All-Conference:* Roxanne Krieder

*2nd Team All-Conference:* Amanda Wengryn

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the fore mentioned students of South Hunterdon Regional High School are congratulated on a job well done and wished much success with their future athletic and scholar achievements.

**ADOPTED:** April 16, 2013

David M. DeVecchio  
Mayor, City of Lambertville

Mayor DeVecchio congratulated the students on their achievement and added that everyone is so proud of them. He asked for a motion to adopt the proclamation honoring the South Hunterdon students who participated in the winter sports. Council President Stegman made a motion to adopt the proclamation. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DeVecchio asked the public present to stand and give the students a congratulatory applause. He added that they should be very proud of their accomplishments and that the community is very proud of them.

## **CORRESPONDENCE.**

JCP&L: Notice of proposed rate increase and other adjustments with respect to JCP&L Tariff Rates and Charges for Electric Service with Respect to Other Proposed Tariff Charges and Revisions and Notice of Public Hearings Thereon.

PIVOTAL UTILITY HOLDINGS, INC., D/B/A ELIZABETHTOWN GAS: Notice of Public Hearings with a proposed 3.5% change.

ALEXANDRIA TOWNSHIP: Copy of Resolution 2013-035, Seeking Legislative Support on Abandoned Property Enforcement.

BOROUGH OF MILFORD: Resolution Number RE2013-44 Opposing S3264/A3553.

BOROUGH OF LEBANON: Resolution #46-2013 Opposing S3264/A3553.

TOWNSHIP OF UNION: Resolution 2013-49 Opposing S2364/A3553.

RIVER TO SEA: 18<sup>th</sup> Annual River-To-Sea Relay scheduled for Saturday, August 3, 2013.

Mayor DeVecchio asked the Clerk to have the Police Director handle this request.

BOROUGH OF FRENCHTOWN: Resolution Number 2013-27 Seeking Legislative Support on Abandoned Property Enforcement.

TOWNSHIP OF READING: Resolution Seeking Legislative Support on Abandoned Property Enforcement.

KLEINFELDER: Letter regarding Supply Well Sampling Results for former Exxon Facility#36242, 1490 Route 179, DEP Case #89-06-14-1048 and 03-11-05-1031-42.

BEVERLY KERSHAW: letter requesting approval for a Block Party on Saturday, April 27<sup>th</sup> from 6 – 11 pm at the end of Perry and Clinton Street in the parking lot. Councilman Sanders made a motion to approve the request from Beverly Kershaw. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ALISON DOUGLAS: letter requesting approval for a Block Party/Clean Up day on Sunday, May 12 from 2 – 6 pm on South Main Street. The Clerk was instructed to have Ms. Douglas apply to the State of New Jersey DOT for approval first.

### **UNFINISHED BUSINESS.**

#### **UPDATE ON VARIOUS CONSTRUCTION IMPROVEMENT PROJECTS.**

City Hall – *The Acting Public Works Director reported that the contract will begin on April 29, 2013.*

#### **CONSTRUCTION PROJECTS.**

South Franklin & Weeden Street Drainage Project: *Phase II of the project was awarded at the March session. Phase I is almost complete.*

#### **UPDATE ON PROJECTS FOR FLOOD RELIEF:**

Swan Creek: *letter of intent was submitted by T and M Associates on behalf of the City.*

Ely Creek: *the wiring to the gate is complete and we are waiting dates for training. It will be scheduled for the week of April 22<sup>nd</sup>.*

#### **MISCELLANEOUS.**

Lambertville Municipal Utilities Authority – Odor Concerns Update was included with the Administrative Reports.

#### **UPDATE ON VARIOUS NON-CONSTRUCTION PROJECTS:**

SWIFT Reach 911 – no update.

#### **SHARED SERVICES.**

SHREC: Mayor DelVecchio reported that the group is working on Community Aggregation and the rfp for engineering services for the solar project.

SHRHS Regionalization Work Group – Councilman Sanders reported that the group met last week but he was unable to attend the meeting. The ballot language was sent to the County

Executive Superintendent for their review. It is anticipated that this will be a special election in September.

Garbage & Recycling: Mayor DelVecchio reported the following: Garbage: is down 13 tons, which is less than in 2012. Recycling: is down 15 tons. The Clerk was asked to promote recycling on the City's website.

### **NEW BUSINESS.**

Appointments & Resignations from Boards.

Mayor DelVecchio nominated John Woods to Zoning Board of Adjustment. Councilman Sanders made a motion to confirm Mayor DelVecchio's nomination. 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.**

SHAD FESTIVAL: Saturday, April 27 and Sunday, April 28<sup>th</sup>!

SPARKLE WEEK IN LAMBERTVILLE: Tuesday & Wednesday pick-up days will be held on May 7 and 8, and Thursday & Friday pick-up days will be held on May 16 and 17. Please don't put anything out after your items have been picked up. Public Works will only make one trip to pick up your items. The following rules are new for Sparkle Week and your full compliance is required:

- i. No Building Construction Debris ( Sheet Rock, Large Pieces Of Wood )
- ii. No Concrete / Brick or Block
- iii. No Paint, Water Or Oil Base (take to Hunterdon County Hazardous Clean Up Day )
- iv. No Oil Of Any Kind ( take to Hunterdon County Hazardous Clean Up Day )
- v. Limit Two Car Tires Per House Hold
- vi. Brush or Tree Parts Must Be Separated In Separate Piles And Bundled
- vii. Used Clothing Must Be Separated In Separate Piles (Good Will Donation Box )

300<sup>th</sup> ANNIVERSARY OF HUNTERDON COUNTY: will be celebrated in each Community in 2014.

350<sup>th</sup> FOUNDING OF NEW JERSEY: will be celebrated in 2014.

**City of Lambertville**

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200<sup>th</sup> ANNIVERSARY OF THE LAMBERTVILLE/NEW HOPE BRIDGE will be celebrated through a DVD about the bridge.

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

Sean Tucker was present from Douglas Street and Mayor DelVecchio informed him that the City is looking into the cost of paving the roadway.

Mary Ann Borge and Jeffery Worthington of Woodcrest were present and asked about the McCann Open Space purchase. Ms. Borge wanted to know why the City was considering paying \$750,000 for the project when the assessed value was much less and when the last appraisals were valued at \$410,000. Mayor DelVecchio responded that he wasn't pleased with the numbers but City representatives met with Mr. Goldberg who completed the appraisals and he was able to defend his numbers and stands by his appraisal. Mary Ann Borge asked the Mayor to obtain a second appraisal because the property is on a steep slope and not buildable. The Mayor responded that there are approximately 8-10 lots that could be cluster built which would be in accordance with the Steep Slope Ordinance. Attorney Faherty responded that Mr. Goldberg is an expert in his field and the city, through the condemnation process, will be ordered to pay fair market value and the offer can't be less than the appraisal. The clerk was asked to email Mr. Goldberg's contact information to Ms. Borge. Mr. Worthington and Ms. Borge asked who the five investors were. The Mayor stated that he didn't know. Ms. Borge and Mr. Worthington asked for disclosure of ownership. The Mayor asked the City's Attorney to make a request to William McCann and Five Investors, Inc. for the names of the investors.

### **ADJOURNMENT.**

The meeting adjourned at 7:40 p.m. with a motion made by Council President Stegman and seconded by Councilman Sanders. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege  
CMR, RMC, City Clerk

*The minutes were approved at the regularly scheduled session of Mayor and Council held on May 21, 2013.*