



**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, MARCH 16, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING AGENDA**

- I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
- II. ROLL CALL
- IV. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE
- V. APPROVAL OF MINUTES
 - a. January 19, 2023 Voting Session
 - b. January 19, 2023 Closed Session
 - c. February 2, 2023 Work Session
 - d. February 2, 2023 Closed Session
 - e. February 16, 2023 Voting Session
 - f. February 16, 2023 Closed Session
 - g. March 2, 2023 Work Session
 - h. March 2, 2023 Closed Session
- VI. ADMINISTRATIVE REPORTS
 - a. Clerk's Report
 - b. Construction
 - c. Court Report
 - d. Fire
 - e. Police Report
 - f. Public Works Report
 - g. Tax Collector's Report
- VII. PUBLIC PARTICIPATION – Agenda Items
- VIII. RESOLUTIONS

CONSENT AGENDA: *The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of*

City Council seek separate discussion of any item, that item shall be removed and discussed separately.

- a. RESOLUTION NUMBER 55-2023: *A Resolution to Approve Sparkle Week for 2023.*

RESOLUTION NUMBER 55-2023

A Resolution to Define the Items and Procedure for Sparkle Week for the 2023 Calendar Year

WHEREAS, Sparkle Week has become a treasured event in the City of Lambertville; and

WHEREAS, the Governing Body would like to continue with this tradition and is scheduling the 2021 event for the following dates:

Zone One: Tuesday pick-ups: May 2, 2023
Zone Two: - Wednesday pick-ups: May 3, 2023
Zone Three – Thursday pick-ups: May 11, 2023
Zone Four – Friday pick-ups: May 12, 2023

WHEREAS, the following rules are in place to govern Sparkle Week:

- You can start placing your garbage to the curb the Sunday before your scheduled Sparkle pick-up.
- You cannot place additional items out once your garbage has been picked up.
- Up to 4 forty pound bags of garbage will be accepted without a fee;
- The official end date for Sparkle Week is May 19, 2023 and a fine of \$250 will be imposed for all unpermitted items placed to the curb.

WHEREAS, participants will need to purchase a Bulk Permit which will be made available through the City’s website at www.lambertvillenj.org; and through the City Clerk’s Offices through April 28, 2023; and

WHEREAS, there will be no refunds; and

WHEREAS, the Public Works Department will tag all items that have not been properly paid for with a sticker directing people to the Clerk’s Office.

WHEREAS, the following items will be disposed of at the following fees:

ITEM	PLASTIC BAG REQUIRED	FEE PER ITEM \$
Appliances (misc.)		\$15.00
Bag for garbage (extra 40		\$7.50

pound bag)		
Bathtub		\$50.00
Bed Frame		\$10.00
Chair- Upholstered	YES	\$15.00
Chair – Wood/Light Metal		\$10.00
Couch/Sofa/Sectional	YES	\$50.00
Desk		\$25.00
Dishwasher		\$15.00
Door/Window		\$15.00
Dresser		\$25.00
Dryer		\$15.00
Entertainment Center		\$35.00
Footboard		\$15.00
Grill (without gas tank)		\$15.00
Headboard		\$15.00
Hopper Load		\$75.00
Love Seat	YES	\$35.00
Mattress or Box Spring – Twin/Single	YES	\$20.00
Mattress or Box Spring – Full/Double	YES	\$30.00
Mattress or Box Spring – Queen	YES	\$40.00
Mattress or Box Spring – King	YES	\$50.00
Plastic Furniture Bag		\$5.00
Rug – Larger than 9’ x 12’	YES	\$24.00
Rug – Smaller than 9’ x 12’	YES	\$12.00
Shed		\$35.00
Sink		\$15.00
Stove/Oven		\$15.00
Table – Dining/Kitchen		\$25.00
Table – End/Coffee/Night Stand		\$15.00
Toilet		\$15.00
Various Metal		\$35.00
Various Wood		\$35.00
Washer		\$15.00
Water Heater		\$15.00
Misc. (discretion of the Clerk’s Office)		

WHEREAS, the following items will be picked-up but have limits:

1. Limit two car tires per household,
2. Brush or tree branches must be separated and bundled and nothing larger than 4 inches by diameter,

WHEREAS, the following items will not be picked up by the City:

1. No Clothing,
2. No building construction debris (sheet rock, large pieces of wood, etc.),
3. No concrete, brick or block,
4. No electronics (televisions, microwaves, monitors, computers, stereos); these may be taken to Hunterdon County. The schedule can be found at the following link:
<http://co.hunterdon.nj.us/recycling.html>
5. No paints or oils of any kind; these may be taken to Hunterdon County. The schedule can be found at the following link:
<http://co.hunterdon.nj.us/recycling.html>
6. No Air Conditioners, refrigerators or freezers

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to place this on the City's website, post it on the Bulletin Board at City Hall and prior to the scheduled event, send it out through the list serve.

ADOPTED: March 16, 2023

- b. RESOLUTION NUMBER 56-2023: A Resolution Requesting \$76,320.00 from the Lambertville Municipal Utility Authority, Pursuant to P.L. 2204, c. 87*

RESOLUTION 56-2023

A Resolution Requesting \$76,320.00 from the Lambertville Municipal Utility Authority, Pursuant to P.L. 2204, c. 87

WHEREAS, P.L. 2204, c. 87 established a formal procedure for local authorities to transfer funds to their creating government agency; and

WHEREAS, the Lambertville Municipal Utility Authority was created by the governing body of the City of Lambertville; and

WHEREAS, N.J.S.A., 40A:5A-12.1 in part states:

“To the extent there is available an undesignated fund balance or unreserved retained earnings by (a covered authority) ... an amount in that undesignated fund balance or unreserved retained earnings, not to exceed 5% of the annual costs of operation of the authority may be appropriated for use in the local budget of the municipal or county that created the authority unless otherwise restricted by bond covenants;” and

WHEREAS, the law required payments to the municipality shall be made no later than 30 days prior to the close of the municipality fiscal year, or anytime sooner as made by mutual agreement; and

WHEREAS, the City of Lambertville has anticipated the Lambertville Municipal Utility Authority appropriation of \$76,320.00 as a Special Item of Revenue in the proposed 2022 municipal budget.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey does hereby request that the Lambertville Municipal Utility Authority transfer \$76,320.00 to the City of Lambertville.

ADOPTED: March 16, 2023

- c. **RESOLUTION NUMBER 57-2023: *A Resolution to Authorize the Shared Services Agreement with Frenchtown Borough for Construction and Zoning Officer for a Term of Three-Years, With the City of Lambertville Serving as the Provider and Lead Agency.***

RESOLUTION NUMBER 57-2023

A Resolution to Authorize the Shared Services Agreement with Frenchtown Borough for Construction and Zoning Officer for a Term of Three-Years, With the City of Lambertville Serving as the Provider and Lead Agency.

WHEREAS, the City of Lambertville is a municipal corporation of the State of New Jersey authorized under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. ("Shared Services Act") to enter into an agreement with other local units to provide jointly (or through the agency of one of them on behalf of the other) any service which such entity may legally perform for itself; and

WHEREAS, the City of Lambertville has been the lead agency in a shared services agreement with the Borough of Frenchtown since 2010 for Construction Services and Zoning Officer Services since 2016; and

WHEREAS, both municipalities wish to continue with the Shared Services Agreement for both positions.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Attorney and City Clerk are hereby authorized to execute a Memorandum of Understanding for the Shared Services of Construction and Zoning Officer Services for a term not to exceed four (4) years, with the City of Lambertville paying the Borough of Frenchtown ten (10%) of the revenues generated from Construction Permits, and the Borough of Frenchtown shall pay the City of Lambertville a fee of \$5,000.00 annually for Zoning Officer Services.

BE IT FURTHER RESOLVED, that the Borough of Frenchtown will reimburse the City of Lambertville for any fees incurred for the duties of the Construction Official and Zoning Officer, including but not limited to fees for electronic processing of permits.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to forward a copy of the signed Agreement to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, for informational purposes, in accordance with the Shared Services Act.

ADOPTED: March 16, 2023

- d. RESOLUTION NUMBER 58-2023: *A Resolution to Authorize the Redemption of Lien Certificate 21-00010, 34 Hancock Street in the Amount of \$423.06*

RESOLUTION 58-2023

A Resolution Authorizing the Redemption of a Tax Lien for Block 1087, Lot 14 In the Amount of \$423.06, Plus a Premium in the Amount of \$1,100.00

WHEREAS, Tax Lien Certificate 21-00010 issued on Block 1087 Lot 14 was sold to Trystone Capital Assets LLC PO BOX 1030 Brick, NJ 08724 on 12/14/21 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from a Mortgage company.

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 check is hereby authorized to Trystone Capital Assets LLC, PO BOX 1030 Brick, NJ 08724 for tax lien certificate 21-00010 in the amount of \$423.06

In addition, the city is holding a premium in the amount of \$1,100.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$423.06

Check 2= for premium= \$1,100.00

ADOPTED: March 16, 2023

- e. RESOLUTION NUMBER 59-2023: *A Resolution to Authorize the Contract with ArborPro for the Tree Inventory Grant in an Amount Not to Exceed \$15,900, Awarded Through the Fair and Open Process.*

In Committee Review

- f. RESOLUTION NUMBER 60-2023: *A Resolution to Authorize Refunds for the Month of February: Metro/HOP Energy in the Amount of \$326.43, Brian Herzhauser in the Amount of \$750.00*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon that the following refunds are hereby authorized:

1. *Duplicate Payment of a Construction Permit to Metro/HOP Energy in the Amount of \$326.43.*
2. *Brian Herzhauser for Escrow Funds in the Amount of \$750.00*

ADOPTED: March 16, 2023

- g. RESOLUTION NUMBER 61-2023: A Resolution Authorizing the Director of Public Works to Send Letters to Property Owners in Accordance with Chapter 14, Section 2.6 Inspection Notice.

RESOLUTION NUMBER 61-2023

A Resolution Authorizing the Director of Public Works to Send Notice to Property Owners for Sidewalk Repairs in Accordance with Chapter 14, Section 2.6, Inspection Notice.

WHEREAS, the Director of Public Works has inspected sidewalks and curbs of properties in the City of Lambertville for public safety reasons in accordance with the Lambertville City Code, 2014, Chapter 14, Section 2.6, Inspection Notice; and

WHEREAS, the Director of Public Works will continue to inspect sidewalks and curbing for public safety reasons to ensure the right of way is safe for pedestrians and the community at-large; and

WHEREAS, the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, are in support of enforcement of the Lambertville City Code, 2014, Chapter 14.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, in the County of Hunterdon, directs the Director of Public Works to coordinate with the City Clerk's Office in notifying certain property owners of public safety issues with their sidewalks and curbing, in accordance with the requirements of Lambertville City Code, 2014, Chapter 14.; and

BE IT FURTHER RESOLVED, that the period of sixty (60) days is hereby extended, due to the inclement weather, to allow property owners 180 days to correct the safety issue as noted by the Director of Public Works; and

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby authorized to provide an unsafe notice to any property owner whose sidewalk or curb is not in compliance with the Lambertville City Code, 2014.

ADOPTED: March 16, 2023

h. RESOLUTION NUMBER 62-2023: A Resolution to Establish the Position of Floodplain Administrator.

RESOLUTION NUMBER 62-2023
A Resolution to Establish the Position of Floodplain Manager

WHEREAS, the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, has established the position of Floodplain Administrator to administer and manage the Floodplain Management Ordinance; and

WHEREAS, the Governing Body will ensure that this position is not vacated and does not impede the performance of the floodplain management activities as required by the City of Lambertville's participation in the National Flood Insurance Program.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the position of Floodplain Administrator is hereby authorized.

ADOPTED: March 16, 2023

End of Consent Agenda

IX. APPROVAL OF THE BILLS LIST

X. ORDINANCES – FIRST READING

- a. ORDINANCE NUMBER 04-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Section XX, Street Sweeping to Include the Parking Lot Located on the Westerly Side of the Lambertville Free Public Library, on Fridays from 8 – 10 am.*

ORDINANCE NUMBER 04-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, Section 4.4 Parking Prohibited, to Include the Parking Lot Located on the Westerly Side of the Lambertville Free Public Library, on Fridays from 8 – 10 am.

NOW THEREFORE BE IT RESOLVED BY the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 7, Traffic, Section 4.4 Parking Prohibited, to include the parking lot located on the westerly side of the Lambertville Free Public Library, on Fridays from 8 – 10 a.m.

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

- b. ORDINANCE NUMBER 05-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Human Rights Council.*

ORDINANCE NUMBER 05-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Section 3-17

§ 3-17 THE CITY OF LAMBERTVILLE HUMAN RIGHTS COUNCIL (LHRC).

[Ord. No. 17-2014; Ord. No. 28-2017; amended 5-16-2019 by Ord. No. 11-2019]

§ 3-17.1 Introduction.

The City of Lambertville's acceptance of diversity regardless of race, color, religion, national origin, ethnicity, sexual orientation, gender or disability is widely known throughout the State of New Jersey. The acceptance of people from many diverse backgrounds comes with responsibility. It is a responsibility to protect what we have all worked so hard to achieve.

§ 3-17.2 Mission.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) shall work cooperatively among people and groups to promote awareness regarding living in a diverse community and to address and to prevent any problems of intimidating or violent acts, which may be committed because of the group to which citizens may belong or identify.

§ 3-17.3 Purpose.

[Amended 5-16-2019 by Ord. No. 11-2019]

Among its many activities, the City of Lambertville Human Rights Council (LHRC) will cooperate with, and make recommendations to, the Governing Body, to educate, encourage, develop, promote, and strengthen respect for the human rights of the citizens of Lambertville no matter their race, color, religion, national origin, ethnicity, sexual orientation, gender or disability, so all may achieve their highest possible level of success.

§ 3-17.4 Council Established; Appointment; Compensation; Terms; Vacancies.

[Amended 5-16-2019 by Ord. No. 11-2019; 4-22-2021 by Ord. No. 06-2021]

The City of Lambertville Human Rights Council (LHRC) will consist of 10 members, from both the public and private sector. Members are appointed by the Mayor, with the advice and consent of the City of Lambertville Governing Body. Every effort will be made to appoint a diverse group of residents to ensure to the greatest extent practicable that all segments of Lambertville's population are represented.

- a. Public Sector Members:

City of Lambertville

Voting Session

7:00 p.m. Thursday, March 16, 2023

Phillip L. Pittore Justice Center, 25 South Union Street

MEETING AGENDA

Page Number 10

1. The Mayor of the City of Lambertville, or their representative from the Governing Body, to run concurrent with the Mayor's three-year term. This position shall serve as a liaison to the Lambertville Human Rights Council but shall not be considered a member of the Lambertville Human Rights Council and shall not vote on Council matters;
2. The Police Director or Officer-in-Charge of the City of Lambertville or their representative, to run concurrently with the Mayor's three-year term;
3. The Director of Public Assistance of the City of Lambertville, for a three-year term concurrent with the Mayor's three-year term;
4. The Mayor may appoint a resident member of the South Hunterdon Regional School District, for a three-year term concurrent with their term;
5. The Chairperson of the Lambertville Free and Public Library, or their representative, for a one-year term.

b. Private Sector Members:

1. There shall be five members from the private sector appointed to serve on the Lambertville Human Rights Council. They shall be appointed by the Mayor with the advice and consent of the Governing Body, and shall be residents of Lambertville, and shall serve a 3-year term. All members of the LHRC shall serve without compensation.
2. The South Hunterdon Regional School District may propose one student from the school district for a one-year term that begins with the academic calendar year. This is an optional appointment and will be a non-voting position.

§ 3-17.5 Chairman; Officers.

One of said members shall be appointed by the Mayor as Chairperson. One of said members will be appointed by the Mayor to serve and LGBTQ+ Liaison to the Mayor. Additional officers shall be elected by the majority of the membership at the annual reorganization meeting.

§ 3-17.6 Meetings.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council shall meet on the second Monday following January 1st of each year for purposes of reorganization. The agenda at this meeting should include election of officers, appointment of committees, adoption of bylaws or rules of procedure, fixing date and place of meetings and such other business as shall properly come before the Lambertville Human Rights Council at the annual reorganization meeting.

The City of Lambertville Human Rights Council (LHRC) will meet a minimum of six times in any given calendar year, inclusive of the reorganization meeting.

§ 3-17.7 Records; Annual Report.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) shall keep records of its meetings, activities and finances and shall make an annual report to the City of Lambertville Mayor and Council.

§ 3-18 through § 3-20. (RESERVED)

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

- c. **ORDINANCE NUMBER 06-2023:** *An Ordinance to Authorize the Six-Month Lease with Fisherman’s Mark for the Farm Market Located at 260 North Main Street.*

City of Lambertville

ORDINANCE NUMBER 06-2023

An Ordinance Authorizing the Extension of the Lease Agreement Between the City of Lambertville and Fisherman’s Mark for use of a Portion of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).

WHEREAS, the City of Lambertville (the “**City**”), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530, owns the property shown on the City Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the “**Property**”); and

WHEREAS, Fisherman’s Mark (“**Fisherman’s Mark**”) requested to lease a portion of the Property for use as a food pantry (the “**Leased Premises**”); and

WHEREAS, Fisherman’s Mark is a New Jersey nonprofit corporation organization based in the City, and in accordance with its mission statement, provides programs to vulnerable populations that promote stability, health and education, while also providing responsive services such as food and affordable childcare services; and

WHEREAS, Fisherman’s Mark provides a store-like environment to give City residents food to prepare meals that are affordable and healthy choices; and

WHEREAS, the Leased Premises at the Property are not currently being used by the City; and

WHEREAS, the continued use of the Leased Premises at the Property will allow Fisherman’s Mark to continue to provide essential services for City residents in need; and

WHEREAS, the City may lease the Leased Premises to Fisherman’s Mark by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, on December 16, 2021, pursuant to Ordinance 26-2021, the City approved a lease agreement with Fisherman’s Mark for use of the Leased Premises, for a term of one (1) year, effective January 1, 2022 (the “**Lease Agreement**”); and

WHEREAS, on October 20, 2022, pursuant to Ordinance 26-2022, the City approved an extension of the Lease Agreement for six (6) months, with all other provisions of the Lease Agreement remaining unchanged; and

WHEREAS, the City and Fisherman’s Mark desire to further extend the term of the Lease Agreement for six (6) additional months, with all other provisions of said Lease Agreement remaining unchanged.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the extension of the Lease Agreement with Fisherman’s Mark for use of the Leased Premises, for a period of six (6) months, with all other terms of the Lease Agreement remaining unchanged.
3. The Mayor is authorized to execute any documents necessary to effectuate the extension the Lease Agreement described herein.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

d. **ORDINANCE NUMBER 07-2023: Floodplain Ordinance**

Under DEP review and will be posted publicly once we hear back.

e. **ORDINANCE NUMBER 08-2023: Background Check**

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commissions, Adding Article VIII, Background Checks

WHEREAS, the City of Lambertville finds that it is important to provide for the safety of our residents and municipal employees; and

WHEREAS, the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hires contractors to fill positions that require the use of private vehicles for transportation, and access to public and private property within the City, and

WHEREAS, the City of Lambertville has established procedures for applicants of raffle licenses, tow licenses, and taxi licenses, to complete a background check; and

WHEREAS, the City contracts for Animal Control Services, and anticipates contracting for a Licensed Lead-Based Paint Contractor.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commissions, is hereby amended to add Article VIII, requiring background checks for contractors hired by the City of Lambertville who may need to access public and private property, such as, but not limited to: Animal Control Officer, Taxi Drivers, and Lead-Based Paint Certification.

Chapter 3, Municipal Officers, Procedures; Departments, Board and Commissions

Article VIII Policies and Procedures for the Hiring of Contractors

Contractors hired by the City of Lambertville, who in the course of their duties are required to access public and private property; have contact with minor children; transport people or animals; file applications for Legalized Games of Chances; or when it is required by the Mayor or his or her designee; are required to complete a criminal history record background check, defined as follows: a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau Of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

INTRODUCTION: March 16, 2023

ADOPTION: April 20, 2023

XI. ORDINANCES – SECOND READING

a. ORDINANCE NUMBER 03-2023: Bond Ordinance

ORDINANCE NO. 03-2023

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION TO

FUND VARIOUS WATERSHED PROTECTION IMPROVEMENTS IN THE AREA OF SWAN CREEK AND ELY CREEK IN AND FOR THE CITY, APPROPRIATING \$500,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$475,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.

WHEREAS, Hurricane Ida caused tremendous losses to the public infrastructure of the City of Lambertville, necessitating the expenditure of monies to repair and reconstruct such infrastructure, including the installation of Watershed Protection Improvements in the vicinity of Upper York Street and related to Ely Creek and Swan Creek; and

WHEREAS, the city did adopt Bond ordinance 2022-06 to fund such repairs, including the appropriation of and City debt and federal grant monies made available to the City in the wake of Hurricane Ida; and

WHEREAS, the City did adopt Resolution 160-2022 to provide for an emergency appropriation of \$500,000 in expectation of the federal grants pursuant to the provisions of NJSA 40A:4-46; and

WHEREAS, N.J.S.A. 40A:4-47 provides that emergency appropriations must be either (1) funded by a bond ordinance or (2) paid in the next succeeding budget year; and

WHEREAS, the City believes that it is better to fund the emergency appropriation via a bond ordinance I while awaiting the federal funds rather than impact the tax rate of the City for a temporary cash flow issue:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$500,000, including the sum of \$25,000 as the down payment for the improvements and purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$475,000, 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 is the fund the emergency appropriation made under Resolution 160-2022 which appropriated money to fund various watershed protection improvements in the area of Swan Creek and Ely Creek (Upper York Street) in the City, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is \$475,000 authorized herein.

(c) The estimated cost of the improvements or purposes authorized herein is \$500,000.

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 5.00 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 \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The City reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FIRST READING: March 02-2023

SECOND READING: April 20, 2023

XII. CORRESPONDENCE

- a. Donald Hart: thank you for the thoughtfulness in recognizing the PD, and LFD for the January 2023 fire.
- b. County of Hunterdon regarding Pesticide Control Regulations, NJAC Title 7 Chapter 30

XIII. ONGOING PROJECTS

- a. Church Street Traffic Pattern

XIV. ANNOUNCEMENTS

City of Lambertville

Voting Session

7:00 p.m. Thursday, March 16, 2023

Phillip L. Pittore Justice Center, 25 South Union Street

MEETING AGENDA

Page Number 17

a. CONVENIENCE CENTER HOURS

Saturday, April 1, 2023, from 9 am to 12 noon

Wednesday, April 19, 2023, from 3 – 5 pm

Saturday, April 15, 2023, from 9 am to 12 noon

b. LANDLORD REGISTRATION is due no later than March 31, 2023 to avoid a late fee.

c. TIER A MS4 PERMIT AND GRANT APPLICATION

XV. PUBLIC PARTICIPATION - Other

XVI. ADJOURNMENT