



City of Lambertville
Regularly Scheduled Session of Mayor & Council
Tuesday, May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes

The meeting was called to order by Mayor DeVecchio at 6:30 p.m. with a statement of compliance with the open public meeting act, providing the required notice on Friday, May 17, 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, Councilwoman Warner, Council President Stegman, Mayor DeVecchio.

Absent: None.

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 May 21, 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 May 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: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 6:31 p.m.

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

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 proudly serving their country in the United States Armed Forces.

APPROVAL OF MINUTES.

Council President Stegman made a motion to approve the following sets of minutes: April 16, 2013 Regularly Scheduled Minutes, April 16, 2013 Closed Session Minutes, April 23, 2013 Special Session Minutes, and May 1, 2013 Special 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.

Councilwoman Warner 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. Council President Stegman 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.

Mayor DelVecchio announced that there was one addition to the Bills List and that was to pay Steve Williamson for the work completed at City Hall. Council President Stegman made a motion to approve the Bills List for the evening as amended. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS – none.

RESOLUTIONS.

Resolution Number 90-2013: A Resolution to Amend the 2013 Budget.

Mayor DelVecchio informed the members of the public present that this budget amendment is at the request of the Director of the Division of Local Government Services. Councilman Sanders made a motion to approve the resolution amending the 2013 Budget. 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 78-2013: A Resolution to Adopt the 2013 Budget.

Mayor DelVecchio informed the members of the public present that this budget represents an increase in the tax levy of \$12, the levy is up 1.6%, surplus is down \$15,000, includes a 2% raise for all employees, takes into consideration a \$10,000 savings in recycling, a fuel savings of \$2,500, a savings due to the third party purchasing of \$5,900, includes \$831,000 in debt and \$51,000 reimbursement from FEMA. It also includes Sparkle Week in Lambertville at no additional charge to residents. He asked if there were any questions from the public. There being no questions from the public, he asked for a motion to adopt the 2013 Budget as amended.

City of Lambertville
Resolution Number 78-2013
A Resolution to Adopt the 2013 Calendar Year Budget

WHEREAS, the City of Lambertville held a special session on Wednesday, March 20, 2013, for the purpose of introducing the 2013 CAP Bank Ordinance and the 2013 Calendar Year Budget, and

WHEREAS, the City Clerk noticed the papers of the special session on Friday, March 15, 2013, and

WHEREAS, the City of Lambertville held a special session on Tuesday, April 23, 2013 to hold the public hearing on the 2013 Budget, and

WHEREAS, the following is a list of Mayor and Council Members with their respective term expiration dates: David M. DelVecchio – Mayor, Term Ends 12-31-2015, Beth Asaro – Councilwoman, Term Ends 12-31-2014, Wardell Sanders – Councilman, Term Ends 12-31-2013, Steven M. Stegman – Council President, Term Ends 12-31-2013, Elaine Warner – Councilwoman, Term Ends 12-31-2014, and

WHEREAS, Cynthia L. Ege, Certificate Number C-1629 is the Registered Municipal Clerk, Christie Ehret, Certificate Number N-0738 is the Chief Financial Officer of the City of Lambertville, Bonnie J. Eick is the Certified Tax Collector, Certificate Number T-1232, and Robert B. Cagnassola is the Registered Municipal Accountant, Certificate Number 50 and Phillip J. Faherty, III is the Municipal Attorney, and

WHEREAS, the publication of the summary of the 2013 Budget appeared in the legal section of the March 28, 2013 edition of the Beacon, and

WHEREAS, copies of the resolution to introduce along with three certified copies of the 2013 budget and the required attachments were forwarded to the Director, Division of Local Government Services on Thursday, March 21, 2013, and supplemental information prepared by Christie Ehret, the Certified Municipal Finance Officer was forwarded to the Director, Division of Local Government Services on Monday, April 1, 2013, and

WHEREAS, on March 26, 2013, a full copy of the introduced budget was posted to the City's website at www.lambertvillenj.org, a copy was sent to the Free and Public Library, and a copy was made available for

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 4

public inspection at City Hall during the hours from 9 am to 4:30 pm, Monday through Friday, excluding holidays.

WHEREAS, the Director, Division of Local Government Services approved the City's adoption of the 2013 Budget as introduced on April 23, 2013.

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 2013 Calendar Year is hereby adopted with a motion made by Councilman Sanders and seconded by Council President Stegman.

Adopted: May 21, 2013

Councilman Sanders made a motion to adopt the 2013 Budget. Council President Stegman 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 87-2013 was removed from the Consent Agenda and presented later in the meeting.

Resolution Number 79-2013: A Resolution to Approve the Bank and the Signatures on the Development Fee/COAH Bank Account.

City of Lambertville
Resolution Number 79-2013
A Resolution to Authorize the Account and Signatures for the Development Fee/COAH Account

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the bank account with the Bank of Princeton is hereby authorized for the Development Fee/ COAH Account of the City of Lambertville.

BE IT FURTHER RESOLVED that the two of the following signatures are required on all checks, one of which must be a member of the governing body:

David M. DelVecchio, Mayor

Steven M. Stegman, Council President

Cynthia L. Ege, Registered Municipal Clerk

Christie Ehret, Certified Municipal Finance Officer

ADOPTED: May 21, 2013

Resolution Number 80-2013: A Resolution to Authorize the Refund to Mid-Atlantic Waterproofing for an Overpayment of a Uniform Construction Code Fee in the Amount of \$10.00 for Block 1064, Lot 5, 65 Lincoln Avenue.

City of Lambertville
Resolution Number 80-2013
A Resolution to Approve the Refund of an Overpayment of Construction Permit Number 13-00097 for Block 1064, Lot 5 to Mid-Atlantic Waterproofing in the Amount of \$10

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 5

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 refund of an overpayment for construction permit number 13-00097 for block 1064, lot 5 in the amount of \$10 to Mid-Atlantic Waterproofing is hereby authorized.

ADOPTED: May 21, 2013

Resolution Number 81-2013: A Resolution to Authorize the Loan Application with Green Acres in the Amount of \$300,000 for Cavallo Park, and to Authorize the Mayor, City Attorney and City Clerk to Execute the Agreement.

City of Lambertville

Resolution Number 81-2013

A Resolution to Approve the Green Acres Loan Agreement for Cavallo Park

WHEREAS, the New Jersey Department of Environmental Protection, Green Ares Program, State of New Jersey, provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Lambertville desires to further the public interest by obtaining a loan of \$300,000 from the State of New Jersey to fund the Cavallo Park reconstruction project.

NOW THEREFORE, the governing body resolves that Mayor David M. DelVecchio or the successor to the office of Mayor of the City of Lambertville is hereby authorized to:

- a) Make application for such a loan and/or such a grant
- b) Provide additional application information and furnish such documents as may be required
- c) Act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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,

1. That the Mayor of the City of Lambertville is hereby authorized to execute an agreement and any amendment thereto with the State known as Cavallo Park Reconstruction Project, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$00.00, and;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

ADOPTED: May 21, 2013

Resolution Number 82-2013: A Resolution to Authorize the Lease/Purchase of a 2012 Dodge Charger Police Pursuit Vehicle off NJ State Contract, Number A79009 in the Amount Not to exceed \$31,389.69.

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 6

City of Lambertville
Resolution Number 82-2013

A Resolution to Approve the Lease/Purchase of a 2012 Dodge Charger Police Pursuit Vehicle off NJ State Contract, Number A79009, In an Amount Not to exceed \$31,389.69

WHEREAS, Chas S Winner Ford, Inc., of Cherry Hill, New Jersey has New Jersey State Contract Number A79009 for the lease/sale of a 2012 Dodge Charger Police Pursuit Vehicle, and

WHEREAS, the color of the car is white, the total base vehicle price is \$24,394.36 and it is equipped with the following: 5.7 Hemi V8 Engine, 5 speed automatic transmission, 220 amp alternator, ABS, power windows/locks/mirrors, air conditioning, keyed alike, driver's side spotlight, courtesy lamp disabled, rear door handles/windows disabled, full size spare tire, skid plate, red/clear dome light, and EA153 80 Amp Power source, and

WHEREAS, the optional package A is valued at \$6,995 and includes: whelen liberty all LED light bar red/blue, four corner LED vertex, alternating headlight & taillight flasher, whelen 295SLSA6 switch/siren controller, siren, speaker and bracket, dodge console with arm rest, cup holder and microphone clip, prisoner partition, deck mounted LED's red/blue, rear seat pan, window screens and door panels, and

WHEREAS, the total price for the vehicle including optional package A is \$31,389.69, and

WHEREAS, the Certified Municipal Finance Officer has certified the funds are available in the 2013 for the lease purchase which will be paid in three annual installments with payment #1 payable upon delivery, and

WHEREAS, the City of Lambertville's Ford Motor Company Fleet Identification Number is QT826.

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 purchase of the 2012 Dodge Charger Police Pursuit Vehicle, New Jersey State Contract Number A79009, in an amount not to exceed \$31,389.69, plus \$60 for the title and registration with the State of New Jersey Motor Vehicle Commission, plus underwriting fee and interest is hereby authorized.

ADOPTED: May 21, 2013

Resolution Number 83-2013: *A Resolution to Reaffirm the Appointment of Paul Cronce and Bradley Campbell As Deputy OEM Coordinators for the City of Lambertville for a Term Beginning January 1, 2013 and Ending December 31, 2013.*

City of Lambertville
Resolution Number 83-2013

A Resolution to Confirm the Appointment of Paul Cronce and Bradley Campbell as Deputy Chairpersons for the Office of Emergency Management

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 January 1, 2013 appointment of Paul Cronce and Bradley Campbell as the Deputy Chairpersons for the Office of Emergency Management for the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, to a term ending December 31, 2013 is hereby confirmed.

ADOPTED: May 21, 2013

Resolution Number 84-2013: *A Resolution to Authorize Change Order 1 for South Franklin Street Phase I, in the Amount of \$13,785.00.*

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 7

City of Lambertville

Resolution Number 84-2013

A Resolution to Approve Change Order 1 for South Franklin Street Phase I in an Amount Not to Exceed \$13,785

WHEREAS, the contract with Mountain View Development for phase I of the South Franklin Street project was approved in Resolution Number 147-2012 in an amount not to exceed \$512,943.80, and

WHEREAS, the contract was reduced with item numbers 7, 10, 12, 18 and 44 being deleted, item numbers 17, 24 and 38 reduced, for a total reduction of \$36,153.00, and

WHEREAS, the contract was supplemented with S-1, HMA 19M64 base course 4" thick, for a total increase of \$49,938.00, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available.

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 change order number 1 for the South Franklin Street Phase I reconstruction project is hereby authorized in an amount not to exceed \$13,785 for a total contract price of \$526,728.80.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign change order 1 as described in this resolution.

ADOPTED: May 21, 2013

Resolution Number 85-2013: *A Resolution to Authorize the Escrow Agreement with COAH and the Bank of Princeton for the Development Fee Ordinance.*

City of Lambertville

Resolution Number 85-2013

A Resolution to Authorize the Escrow Agreement between COAH, City of Lambertville and the Bank of Princeton

This Escrow Agreement made this 21st day of May, 2013, by and between the Council on Affordable Housing (COAH) and City of Lambertville and Bank of Princeton (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, in 2009 COAH approved the *City of Lambertville's* Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of *City of Lambertville's* COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on June 15, 2009 the governing body of City of Lambertville adopted Ordinance No. 2009-07, which was amended on August 17, 2009 with Ordinance Number 2009-13 the Development Fee Ordinance of *City of Lambertville*, amending the Municipal Code; and

WHEREAS, COAH has not yet approved a spending plan for City of Lambertville, *City of Lambertville* acknowledges that no expenditure of development fees; payments from developers in lieu

of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires *City of Lambertville*, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, *City of Lambertville* and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and *City of Lambertville* hereby designate *Bank of Princeton* (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 9

regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by [insert name of municipality], (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the *Municipal Housing Officer* of City of Lambertville consistent with the spending plan approved by COAH.

2. Escrow Account

City of Lambertville shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as *City of Lambertville COAH Escrow Account* (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from *City of Lambertville*. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by *City of Lambertville* or any other party, (b) any other obligation owed to the escrow agent by *City of Lambertville* or any other party, or (c) any claim which the escrow agent may have against *City of Lambertville* or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of *City of Lambertville* as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the *Municipal Housing Official* of *City of Lambertville*, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by *City of Lambertville* from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to *City of Lambertville*, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by *City of Lambertville* until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of *City of Lambertville*. COAH shall provide the *City of Lambertville's* municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of *City of Lambertville* and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the

adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
 - b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program within the deadlines imposed by COAH;
 - c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
 - d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
 - e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
 - f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with City of Lambertville's affordable housing program on activities not permitted by COAH;
 - g. Revocation of certification; or
 - h. Other good cause demonstrating that the revenues are not being used for the approved purpose.
5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. *City of Lambertville* shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and *City of Lambertville*, or their respective designees, at any reasonable time. *City of Lambertville* shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 11

of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

a. If to COAH: New Jersey Council on Affordable Housing

101 South Broad Street

PO Box 813

Trenton, NJ 08625-0813

b. If to Municipality:
Financial Officer

Municipal Clerk and Chief

City of Lambertville
18 York Street
Lambertville, NJ, 08530

c. If to Bank: Bank of Princeton
Bridge Street
Lambertville, NJ, 08530

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

David M. DelVecchio, on behalf of *City of Lambertville*

Date

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 12

on behalf of the New Jersey Council
on Affordable Housing (COAH)

Date

Amy Lavery, on behalf of Bank of Princeton

ADOPTED: May 21, 2013

Resolution Number 86-2013: *A Resolution Approving the Raffle License for the American Legion, Toscani Post #120, for the pull tab machines beginning August 1, 2013 and ending July 31, 2014.*

City of Lambertville

Resolution Number 86-2013

A Resolution to Approve the Raffle License Application Filed by the American Legion, Toscani Post #120, for the Pull-Tab Machines Beginning August 1, 2013 and ending July 3, 2014.

WHEREAS, the American Legion Toscani Post #120 filed an application for a raffle license for the pull-tab machine with the City Clerk on May 2, 2013, and

WHEREAS, a copy of the application was immediately forwarded to the Police Director for the completion of the report, and

WHEREAS, the City Clerk reviewed the application and determined the following: the application filed was complete, the applicant was previously fingerprinted, and the license on file issued by the State of New Jersey begins July 3, 2012 and expires on July 3, 2014, and

WHEREAS, the Police Department of the City of Lambertville, completed a review of the application and pertinent information and find no reason to deny the application.

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 application for a raffle license for a pull-tab machine filed by the American Legion Toscani Post #120 is hereby approved for submission to the State of New Jersey's Attorney General, Legalized Games of Chance Control Commission.

ADOPTED: May 21, 2013

Resolution Number 88-2013: *A Resolution to Approve the Issuance of Taxi License Number 01 to Bucks County Carriage, Taxi License Numbers 02, 03 and 04 to River Cab in the Amount of \$500 Per License to Begin June 1, 2013 and end May 31, 2014.*

City of Lambertville

Resolution Number 88-2013

A Resolution to Approve the Issuance of Taxi License Number 01 to Bucks County Carriage, Taxi License Numbers 02, 03 and 04 to River Cab in the Amount of \$500 Per License to Begin June 1, 2013 and end May 31, 2014.

WHEREAS, the City of Lambertville amended Chapter V, General Licensing, Taxicabs and Liveries in Ordinance 05-2012 which was finally adopted on April 18, 2012, and

WHEREAS, on April 19 and April 26, the City of Lambertville advertised the intent to sell four licenses for the operation of a taxi in the City of Lambertville, setting the minimum bid at \$500 per license, and

WHEREAS, the public auction was held at 10 AM on Wednesday, May 15, 2013 at City Hall, located at 18 York Street in the City, and

WHEREAS, Bucks County Carriage purchased license number 01-2013/2014 for a period of time to begin June 1, 2013 and end May 31, 2014, at a fee of \$500, and

WHEREAS, River Cab purchased license numbers 02, 03 and 04 2013/2014 three licenses at a fee of \$500 for each of the two licenses, with the first year being June 1, 2013 and ending May 31, 2014, at a rate of \$500 for each for a total of \$1,500, and

WHEREAS, the bidding process was held publicly in the meeting room of 18 York Street and subsequently closed which means no other license will be issued until the auction May of 2014 for the next period to begin June 1, 2014.

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 three licenses for taxi cabs are hereby authorized to be issued to Bucks County Carriage, License Number 01-2013/2014 and River Cab, License Numbers 02, 03, 04-2013/2014 for a period of time beginning on June 1, 2012 and ending May 31, 2014 for a fee of \$500 per taxi.

BE IT FURTHER RESOLVED that both venders are ordered to submit to all of the requirements as outlined in Ordinance Number 05-2012 and State of New Jersey A-1471, P.L. 2011, c.135, which include:

1. Full copy of the automobile insurance which lists the cars and drivers,
2. Copy of liability insurance,
3. Fingerprinting results for each of the drivers,

BE IT FURTHER RESOLVED that at this time, there is no designation for a Taxi Stand, which requires the approval of Mayor and Council.

ADOPTED: May 21, 2013

Resolution Number 91-2013: A Resolution to Approve the Chapter 159 for the Environmental Commission Grant in the Amount of \$910.

City of Lambertville

RESOLUTION NUMBER 91-2013

**RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A.
40A:4-87 (Chapter 159 P.L. 1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$910.00 for Association of NJ Environmental Commissions (ANJEC).

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 14

in the 2013 CY Budget in the amount of \$910.00 which item is now available as revenue from the receipt of the Association of NJ Environmental Commissions (ANJEC).

BE IT FURTHER RESOLVED that a like sum of \$910.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"
Association of NJ Environmental Commissions (ANJEC) \$910.00

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: May 21, 2013

Resolution Number 92-2013: A Resolution to Authorize the Chapter 159 for the Clean Communities Grant.

City of Lambertville
Resolution Number 92-2013
RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A.
40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$8,606.37 for Clean Communities Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2013 CY Budget in the amount of \$8,606.37 which item is now available as revenue from the receipt of the Clean Communities Grant.

BE IT FURTHER RESOLVED that a like sum of \$8,606.37 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"
Clean Communities Grant \$8,606.37

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: May 21, 2013

Resolution Number 93-2013: *A Resolution to Authorize the Mayor and City Clerk to Sign the Contract with the State of New Jersey, Department of Corrections for the Work Release Program.*

City of Lambertville

RESOLUTION NUMBER 93-2013

A Resolution to Authorize the Mayor and City Clerk to Enter Sign the Agreement with the State of New Jersey, Department of Corrections for the Work Release Program

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 City Clerk are authorized to sign the contract with the State of New Jersey, Department of Corrections.

BE IT FURTHER RESOLVED that the City of Lambertville will hire/employ for four inmates to be used on a daily basis from a halfway house as designated by the Department of Corrections at an hourly rate not to exceed the minimum wage which will be paid directly to the inmate/employee.

BE IT FURTHER RESOVLED that the Acting Public Works Director, Lester E. Myers, Jr. is hereby designated as the point of contact with the Department of Corrections and is authorized to arrange the pick-up and drop-off of the inmates/employees in coordination with the staff at the Department of Corrections.

ADOPTED: May 21, 2013

Resolution Number 94-2013: *A Salary & Wage Resolution*

Mayor DelVecchio informed the members of the public present that this resolution is for new hires.

City of Lambertville

RESOLUTION NUMBER 94-2013

A Salary & Wage Resolution

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 appointments are confirmed:

- Jill McCarty, Part Time Police Secretary, at an hourly rate of \$12, starting May 28, 2013
- Shelby Bacorn, Part Time Library Assistant, at an hourly rate of \$8, starting May 17, 2013
- Terrell James, Part Time Laborer at an hourly rate of \$7.25, starting April 30, 2013

ADOPTED: May 21, 2013

Resolution Number 95-2013: *A Resolution to Establish the Towing Fees in Accordance with Ordinance Number 07-2013.*

City of Lambertville

RESOLUTION NUMBER 95-2013

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.

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 16

WHEREAS, in accordance with Ordinance Number 07-2013, NJSA 40:48-2.5, NJAC 13:45A-31.4, 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.) \$80.00 flat rate

B. Storage Fees.

Inside storage per 24 hours (must have been requested)

\$3.00 per day for the first 30 days

\$2.00 per day beginning the 31st day and any day thereafter

Maximum of \$400.00 regardless of the duration of storage.

Outside storage per 24 hours

\$3.00 per day for the first 30 days

\$2.00 per day beginning the 31st day and any day thereafter

Maximum of \$400.00 regardless of the duration of storage.

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: May 21, 2013

Councilwoman Asaro made a motion to approve the resolutions listed on the consent agenda. Councilwoman Warner 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 9-2013: An Ordinance to Amend Chapter Ten, Fees for Construction Permits.

Mayor DelVecchio read Ordinance Number 9-2013 into the record by title. He informed the members of the public present that this amendment is recommended by the Construction Official to increase fees and make changes to the language which brings the City's ordinances in line with the recommendations made by the Department of Community Affairs of the State of New Jersey.

City of Lambertville Ordinance Number 9-2013

An Ordinance to Amend Chapter Ten, Fees for Construction Permits

10-1.3 Fees for a Construction Permit.

- a. *Fees.* The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in paragraphs 1(a) through 6(d) hereof and shall be paid prior to the issuance of a permit. Twenty (20%) percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is non-refundable.

1. *Building Subcode Fees.*

- (a) Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of \$.050 per cubic foot, except that agricultural structures on farms shall be in the amount of \$0.010.
- (b) Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on site work for pre-manufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. ~~The township~~ **City** reserves the right to ~~adjust the cost of work based on~~ **require a copy of** actual contracts ~~prices~~ or current market price evaluation based on common estimating practices; **or** an architect or engineer's cost estimate; or actual third party estimates. The cost shall include all labor and material (including bartered, donated, free, etc. labor and/or materials)

This fee shall be as follows:

\$32.00 per \$1,000.00 of estimated cost of work up to \$50,000.00 of estimated cost of construction;

\$28.00 per \$1,000.00 for estimated cost of work from \$50,001.00 to \$100,000.00 estimated cost of construction; and

\$24.00 per \$1,000.00 for additional costs over \$100,000.00 estimated cost of construction.

- (c) The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be .020 per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$75.00.
 - (d) Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
 - (e) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with paragraphs (a) and (b) above.
 - (f) The fee for construction or installation of a single family residential in-ground swimming pool shall be \$150.00. The fee for construction or installation of all other use group in-ground swimming pools shall be \$200.00. The fee for aboveground pools shall be \$40.00.
 - (g) (reserved)
 - (h) The fee for construction or installation of retaining walls shall be as follows:
 - (1) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be \$100.00.
 - (2) The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be \$200.00.
 - (3) The fee for all other retaining walls shall be based on the cost of work as follows:
 - \$18.00 per \$1,000.00 of estimated cost of work up to \$50,000.00.
 - \$14.00 per \$1,000.00 of estimated cost of work from \$50,001.00 to \$100,000.00.
 - \$10.00 per \$1,000.00 of estimated cost of work over \$100,000.00.
 - (i) The fee for the construction of a new deck shall be \$0.80 per square foot with the minimum fee of \$120.00.
 - (j) The installation of sheds under 200 square feet shall be \$100.00. The installation of sheds over 200 square feet shall be a minimum of \$150.00
 - (k) The fee for a residential roof or siding replacement shall be ~~\$65.00~~ **\$85.00** and for commercial roof or siding replacement shall be based on the cost of work.
 - (l) The fee for a demolition and/or removal permit of a building or structure shall be \$95.00 for Class 3 residential and \$180.00 for all other use groups, provided that the fee shall be \$50.00 for structures under 400 square feet in area.
 - (m) The fee for removal or abandonment of underground storage tanks shall be \$85.00 each for tanks up to 1,000 gallons and \$150.00 each for tanks over 1,001 gallons.
 - (n) The fee to construct or erect a sign shall be \$2.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$50.00.
 - (o) The minimum fee for the building technical section shall be ~~\$50.00~~ **\$60.00**
2. *Plumbing Subcode Fees.*

- (a) The fee shall be in the amount of \$22.00 per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, **condensate pump**, etc., except as listed below in 2(b) and (c).
 - (b) The fee for domestic hot water heater replacement fee shall be \$75.00.
 - (c) The fee for special devices shall be \$90.00 for the following: grease traps, oil separators, water-cooled air-conditioning units, **air-conditioning compressors**, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps.
 - (d) **For equipment listed in NJAC 5:23-2.23(1) such as backflow preventers, high pressure boilers, refrigeration systems, etc. the fee shall be \$85.00 for the first device and \$25.00 for additional similar devices in the same building.**
 - (e) The minimum fee for the plumbing technical section shall be ~~\$50.00~~ **60.00**
3. *Electrical Subcode Fees.*
- (a) For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of \$65.00; for each additional device, receptacle or fixture in addition to this, the fee shall be in the amount of ~~\$0.50~~ **1.00** per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than 8 foot in height, communication points, alarm devices, and other panels or devices rated less than 20 amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt.
 - (b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, ~~transformers and generators~~ greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be ~~\$18.00~~ **25.00**.
 - (c) For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, ~~transformers and generators~~ greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be ~~\$35.00~~ **45.00**.
 - (d) For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, ~~transformers and generators~~ greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be ~~\$75.00~~ **90.00**.
 - (e) For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, ~~transformers and generators~~ greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be ~~\$135.00~~ **150.00**.
 - (f) For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, ~~transformers and generators~~ greater than 100 kilowatts or kva, the fee shall be \$600.00.
 - (g) Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or

generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.

- (h) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated up to 100 amps the fee shall be ~~\$50.00~~. **65.00**
 - (i) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be ~~\$100.00~~. **130.00**
 - (j) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be ~~\$250.00~~. 290.00
 - (k) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be **\$600.00**.
 - (l) For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in 1 and 2 family dwellings; utility load management devices; lighting standards over 8 foot the fee shall be \$50.00.
 - (m) For in-ground pools the fee shall be \$200.00.
 - (n) For spas, hot tubs, or fountains the fee shall be \$100.00.
 - (o) For storable or portable pools the fee shall be \$50.00.
 - (p) **For a swimming pool bonding certificate of compliance the fee shall be \$85.00**
 - (q) **Transformers and generators less than or equal to 20kw shall be \$75.00. Transformers and generators greater than 20kw and less than or equal to 50kw shall be \$125. Generator panels shall follow (h) thru (k) above.**
 - (r) The minimum fee for the electrical technical section shall be ~~\$50.00~~. **\$60.00**
4. *Fire Subcode Fee.*
- (a) The fee for sprinkler systems shall be \$85.00 for up to 12 heads;
For 13 to and including 40 heads the fee shall be \$150.00;
For 41 to and including 100 heads the fee shall be \$250.00; and
For all heads over **100** the fee shall be \$2.00 per head.
 - (b) The fee for each standpipe shall be \$325.00.
 - (c) The fee for each independent pre-engineered suppression system shall be \$175.00.
 - (d) The fee for each gas or oil-fired appliance shall be \$60.00
 - (e) The fee for each kitchen exhaust system shall be \$190.00.
 - (f) The fee for spray booths exhaust system shall be \$150.00.
 - (g) The fee for a wood/coal burning stove, fire place inserts, pre-fab or masonry fireplace shall be \$60.00.
 - (h) The fee for Dry pipe, Pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be \$95.00 for up to 12 alarms, **except that hard wired and interconnected alarms for 1 and 2 family residential the fee shall be \$60 for up to 12 alarms;**
Each device over 12 shall be \$7.00 each

- (i) The fee for R3, R4 and R5 fire alarm systems shall be \$75.00.
 - (j) The fee for fire pumps shall be \$300.00 each.
 - (k) The fee for incinerators shall be \$300.00 each.
 - (l) The fee for crematoriums shall be \$300.00 each.
 - (m) The fee for unit heaters shall be \$25.00 each.
 - (n) The fee for exit-egress lighting shall be \$5.00 each.
 - (o) The fee for chimney relining shall be \$65.00.
 - (p) ~~The minimum fee for any work requiring plan review which is not listed or itemized above, i.e., fire separation, emergency lighting, flame spread and smoke ratings, etc., shall be \$65.00.~~ **The fee for the installation of under or above ground fuel storage tanks up to 550 gallons shall be \$60.00. For tanks 551 to 1,000 gallons shall be \$125.00. For tanks over 1,001 gallons, the fee shall be \$250.00.**
 - (q) The fee for a fire sprinkler water storage tank shall be \$200.00.
 - (r) ~~The minimum fee for plan review for residential shall be \$50.00 and for commercial shall be \$75.00 reserved~~
 - (r) **The minimum fee for the fire technical section for 1 or 2 family residential shall be \$60.00 and for all other use groups shall be \$90.00** ~~shall be \$50.00.~~
5. *Certificates and Other Special Fees.*
- (a) The fees for certificates shall be as follows:
 - (1) Certificate of occupancy, residential (single family) is \$120.00, except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is \$35.00.
 - (2) Certificate of occupancy, other than single family is \$180.00.
 - (3) Certificate of occupancy for changes in use group is \$180.00.
 - (4) Certificate of approval, no fee.
 - (5) Continued certificate of occupancy is \$180.00 per unit or tenant space.
 - (6) Temporary certificate of occupancy, renewal fee is half of the certificate fee.
 - (7) Certificate of Compliance, **no fee** ~~for equipment listed in NJAC 5:23-2.23(4) such as, but not limited to, backflow preventers, high pressure boilers, pool bonding, etc is \$85.00 for the first device and \$25.00 for each additional related device in the same building or structure.~~
 - (b) ~~The fee for a demolition and/or removal permit of a building or structure shall be \$95.00 for Class 3 residential and \$180.00 for all other use groups, provided that the fee shall be \$50.00 for structures under 400 square feet in area. reserved~~
 - (c) ~~The fee for removal or abandonment of underground storage tanks shall be \$85.00 each for tanks up to 1,000 gallons and \$150.00 each for tanks over 1,001 gallons. reserved~~

- (d) ~~The fee to construct or erect a sign shall be \$2.50 per square foot surface area of the sign, computed on one side only for double faced signs. The minimum fee shall be \$50.00.~~ **reserved**
- (e) ~~The fee for the installation of under or above ground fuel storage tanks up to 550 gallons shall be \$60.00. For tanks 551 to 1,000 gallons shall be \$125.00. For tanks over 1,001 gallons, the fee shall be \$250.00.~~ **reserved**
- (f) The fee for asbestos or lead abatement projects shall be as follows:
 - (1) The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9
 - (2) The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9
 - (3) The fee for a permit for lead hazard abatement projects shall be \$190.00.
 - (4) The fee for a lead abatement clearance certificate shall be \$35.00.
- (g) The fee for a variation request application shall be \$75.00 for Class 3 residential and; \$200.00 for Class 3 other than residential and Class 2 and; \$750.00 for Class 1 buildings. The fee for resubmission of an application for a variation shall be one half (1/2) of the original fee if required by the Construction Official.
- (h) ~~The fee for an application for the construction board of appeals shall be \$400.00.~~ **as specified by the Hunterdon County Construction Board of Appeals application.**
- (i) A fee of \$110.00 per hour may be charged for review of any amendment or change to a plan that has already been released, **or any other additional work required by ordinance or interlocal agreement.**
- (j) The fee for a zoning permit is \$35.00.
- (k) The fee for a Flood Development Permit shall be \$125.00 plus any applicable City engineering review costs, if required by the City Engineer.
- (l) The fee to reinstate a lapsed permit shall be fifty (50%) percent of the initial permit fee provided such application is made within one (1) year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be ~~one hundred (100%) percent.~~ **based on the current fee schedule.**
- (m) The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing).

Fees shall be as follows:

- (1) One (1) through twenty-five (25) workers (including foreman or forewoman), \$1000.00 per worker; each additional worker over twenty-five (25), \$350.00 per worker.
- (2) Prior to the issuance of the annual permit a training registration fee of \$176.00 per subcode shall be submitted by the applicant and shall be forwarded by the Construction Official to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 23

Jersey." The Department shall register these individuals and notify them of the courses being offered.

6. *Exempt Fees.*

- (a) ~~No fees other than those charged by a third party on-site agency to perform its subcode official responsibilities,~~ shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.
- (b) Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduce fees or be exempt from construction permit fees as authorized by City Council on an individual basis, except for the State Training Fee.
- (c) Pursuant to N.J.S.A. 52:27D-126e and N.J.S.A. 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure for any of the facilities contained therein. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For purposes of this subsection, the term "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to Federal Social Security Act (42 U.S.C. §416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. §231, et seq.), or is rated as having a sixty (60%) percent disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this paragraph, the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/200 or less.
- (d) Outside agency fees. Notwithstanding any other fee hereinafter set forth, when the township has retained a private on-site inspection or plan review agency to carry out subcode official responsibility no fee charged shall exceed the amount paid by the Township to that private agency plus thirty (30%) percent.

INTRODUCTION AND FIRST READING: May 21, 2013

PUBLIC HEARING AND SECOND READING: June 18, 2013

Mayor DeVecchio asked if there were any questions from the public. There being no questions, he asked for a motion to introduce Ordinance Number 09-2013.

Councilman Sanders made a motion to introduce Ordinance Number 09-2013, amending Chapter Ten of the General Ordinances of the City of Lambertville. 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 June 18, 2013.

ORDINANCE NUMBER 10-2013: An Ordinance to Amend Chapter Five, General License, Section 5-7 Contractor Registration.

Mayor DelVecchio read Ordinance Number 10-2013 into the record by title. Members of Council had questions regarding this Ordinance. It was put on hold until clarification is received from the Construction Official.

City of Lambertville
ORDINANCE NUMBER 10-2013
“AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, CHAPTER V: GENERAL LICENSE”

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

SECTION 1: Section 5-7 Contractor Registration is hereby established as follows:

5-7 Contractor Registration

SECTION 2: Section 5-7.1 Purpose; applicability is hereby established as follows:

5-7.1 Purpose; applicability

- a. The purpose of this ordinance is to adopt a procedure for the registration of all construction contractors who are not required to register with the State of New Jersey to perform certain work within the City of Lambertville. This Ordinance shall apply to contractors performing services on all nonresidential sites.
- b. This ordinance shall apply to all persons, partnerships, corporations or other entities not otherwise licensed by the State of New Jersey who undertake to provide services within the City of Lambertville for a fee.
- c. Registration pursuant to this ordinance does not relieve the contractor of the requirement to obtain a construction permit or of any liability resulting from contractor's performance of service.

SECTION 3: Section 5-7.2 Definitions is hereby established as follows:

5-7.2 Definitions

- a. For this ordinance the word “services” shall mean to erect any new structure, add or remove rooms, dormers or other structures or to improve, modernize or modify an existing room or rooms or structures, including all plumbing, electrical, HVAC (mechanical) and fire additions and/or alternation, or to install, resurface or improve driveways or sidewalks or any improvement whatsoever upon any structure in the City of Lambertville where persons reside, will reside or conduct any type of business upon completion of the work.

SECTION 4: Section 5-7.3 Application for registration is hereby established as follows:

5-7.3 Application for registration.

Any person, partnership, corporation or other entity to which this article applies shall, prior to commencing any work or service as herein described in the City of Lambertville, make application to the City Construction Office for registration as a contractor in the City of Lambertville. The failure to make application for such registration prior to commencement of work or services shall constitute a violation of this Ordinance. The form of application is attached and made a part of this Ordinance.

SECTION 5: Section 5-7.4 Term of registration; fee is hereby established as follows:

5-7.4 Term of registration; fee.

- a. All registration numbers issued pursuant to this Ordinance shall expire one year from the date of issuance. Such registration may be renewed annually upon payment of the required fee and submission to the City Construction Office of a current certificate of insurance.
- b. The initial fee to register as a contractor in the City of Lambertville shall be \$200.00. The fee for renewal registrations shall be \$100.00. **The following exception will apply to the registration fee:**
 - 1) **A contractor with a physical address in the City of Lambertville will not be required to pay the initial or renewal registration fee as long as they comply with all other requirements of registration. The physical address may be the contractor's personal place of residence or a physical office space. P O Box numbers will not qualify for the exception.**

SECTION 6: Section 5-7.5 Insurance Requirements is hereby established as follows:

5-7.5 Insurance Requirements.

Each applicant shall be required to submit a certificate of insurance to the City Construction Office evidencing a current policy for workers compensation insurance and public liability insurance with a minimum liability of \$100,000/\$300,000.

SECTION 7: Section 5-7.6 Grounds for denial of initial registration or revocation or denial of existing registration is hereby established as follows:

5-7.6 Grounds for denial of initial registration or revocation or denial of existing registration.

- a. Failure to maintain and keep current an adequate workers compensation insurance policy or certification of no employees requiring workers compensation insurance.
- b. Failure to maintain and keep current a public liability insurance policy;
- c. Failure to comply with the construction standards required by State law or regulations or local ordinances or codes after having been given notice of such noncompliance and failing to alleviate noncompliance without just cause;
- d. Any of the following:
 1. Failure to comply with the lawful instructions of the Construction Code Official regarding site safety, or building code violations.

2. Altering plans submitted in obtaining a construction (building, electrical, plumbing, fire) permit without further receiving the approval of the Construction Official;
 3. Failure to obtain a construction permit where required;
 4. One owner/resident complaint against the contractor for unsafe services, unjustified interruption of work, or substandard workmanship which complaint has been personally verified by the Construction Official or his deputy;
 5. Failure to complete the project according to terms of contract;
 6. Failure to correct building, zoning or city violations in connection with project;
 7. Breach of contract by registrant;
 8. Failure to request and obtain final inspection approvals and Certificate of Approval/Occupancy within the timeframe allowed by the Uniform Construction Code.
 9. Any registrant that has had his registration revoked three times, in accordance with this Ordinance, the City Clerk or Construction Official may, upon notice to the registrant, request the Mayor and City Council conduct a public hearing to determine whether or not said registrant shall be permanently barred from performing work within the City.
- e. The revocation of prior registration by the City of Lambertville City Clerk or Construction Official or the revocation of any local contractor's license or registration by another municipality in the State of New Jersey for any cause other than failure to pay licensing or registration fees.

SECTION 8: Section 5-7.7 Appeals on denial or revocation is hereby established as follows:

5-7.7 Appeals on denial or revocation.

In the event that the City Clerk denied or revoked a registration to an applicant or has refused to renew such registration upon submission of the required fee, the aggrieved contractor may appeal such denial, in writing to the Mayor and Council of the City of Lambertville. Upon such appeal the following action shall be taken:

- a. Upon receipt of the written appeal, the City Clerk shall set a date for the Mayor and Council to hear such appeal. This date may be adjourned for a period of sixty (60) days at the request of the Mayor and Council or the contractor.
- b. At the time, date and place set for the hearing, the Mayor and Council shall hear testimony from the City Clerk and/or Construction Official as to the grounds for denial and hear testimony from the contractor contesting such denial. At the hearing, the contractor shall be entitled to call witnesses and to be represented by counsel.
- c. At the conclusion of the hearing, a determination shall be made. If denial is deemed to have been inappropriate, the City Clerk shall be directed to issue a registration number to the contractor. If it is determined that the denial was proper, the Mayor and Council shall have the discretion to take one of the following actions:
 1. Uphold the denial without further action.
 2. If circumstances warrant, direct the City Clerk to register the contractor upon conditions imposed by the Mayor and Council and Construction Official

which are designed to reasonably ensure compliance by the contractor and this Ordinance.

3. If circumstances warrant, direct the Construction Official to register the contractor when the deficiencies have been alleviated by the contractor, to the Construction Official's satisfaction.

- d. Within ten (10) business days from the hearing date, the Construction Official and the contractor shall receive notification, in writing, the determination of the Mayor and Council and any conditions which have been placed upon the approval for the application for registration.

SECTION 8: Section 5-7.8 Duties of the Construction Official is hereby established as follows:

5-7.8 Duties of the Construction Official.

The Construction Official shall have the responsibility to do the following:

- a. Monitor the accuracy and current status of the information contained in the application for contractor's registration.
- b. Keep all registration applications on file so that they are available for inspection and copying by any interested party as public documents.
- c. Notify the owner of the property on which work is being performed by the contractor of the revocation of contractor's registration for failure to keep current its public liability insurance.

SECTION 9: Section 5-7.9 Violations and penalties is hereby established as follows:

5-7.9 Violations and penalties.

It shall be considered a violation of this Ordinance for any person or firm as described herein to fail to make application for a contractor's registration or to perform any work as described herein without first having applied for and received a contractor's registration number. Following a conviction of violation of this article by a court of competent jurisdiction, a fine of not less than \$250.00 nor more than \$1,000.00 shall be imposed.

INTRODUCED:

PUBLIC HEARING:

FINAL ADOPTION:

No action was taken.

ORDINANCE NUMBER 11-2013: A Bond Ordinance in the Amount of \$370,000 to fund the Reconstruction of Cavallo Park, which is offset by a \$300,000 Loan from Green Acres.

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance is to fund the upgrades to the property. The City received a loan from Green Acres in the amount of \$300,000 to fund this project.

John Hencheck of Quarry Street was present and complimented Mayor and Council on undertaking this project. He informed the members of the public present that he and Barbara along with Lou Welsh and Jim Hamilton raised funds back when the Mayor was first elected to upgrade the park.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 11-2013

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO CAVALLO PARK IN AND FOR THE CITY, APPROPRIATING \$370,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$370,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.

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

Section 1. The 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 \$370,000, including a grant of \$300,000 to be received by the City on a reimbursement basis from the Green Acres Program within the New Jersey Department of Environmental Protection (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required because the project set forth in Section 3 is being funded in part by the State Grant.

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 \$370,000, 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 is the improvements to Cavallo Park, as detailed by an architect's estimate, dated April 18, 2013, 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 improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 29

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 15.00 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 \$370,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,000 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.

Mayor DelVecchio asked if there were any further questions or comments from the public. There being no further questions or comments, he asked for a motion to introduce Ordinance Number 11-2013. Council President Stegman made a motion to introduce Ordinance Number 11-2013. 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 12-2013: A Bond Ordinance in the Amount of \$765,000 to fund the Purchase of Block 1097, Lot 7.01 and Block 1002, Lot 64 (the Appraised Value of \$750,000 and Fees Necessary to Bond for the Project).

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that the City is purchasing the property through Eminent Domain. In accordance with State law, the funds must be available in order for the City to take ownership. He further advised that the amount offered cannot be lower than the appraisal amount.

John Hencheck of Quarry Street questioned the purchase price. It was his opinion that the land is not valued at \$750,000. The Mayor informed the members of the public present that this would finish the preservation of open space on the hill, it was the former site of the original Music Circus, and the appraisal was completed by a certified appraiser from the State's list with the benefit of engineering. Attorney Faherty commented that in accordance with New Jersey Statutes, the offer could not be lower than the assessed value. Mr. Hencheck stated that it was his belief that this property is on a cliff and has no value. He also suggested that the preservation of this land as a park would be dangerous for the children. Mayor DelVecchio said it was being purchased to preserve as open space and that the people who resided at the bottom of the hill on North Franklin Street would differ with Mr. Hencheck's opinion. Mr. Hencheck said the City could get the property for a lower amount. Mayor DelVecchio stated that a certified appraiser prepared the appraisal who said based on the engineering submitted, this property could be developed.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 12-2013

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF THE McCANN PROPERTY IN AND FOR THE CITY, APPROPRIATING \$765,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$765,000 IN GENERAL

**IMPROVEMENT BONDS OR NOTES OF THE CITY TO
FINANCE THE SAME.**

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

Section 1. The 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 \$765,000, including a grant of \$220,000 to be received by the City on a reimbursement basis from the Green Acres Program within the New Jersey Department of Environmental Protection (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required because the project set forth in Section 3 is being funded in part by the State Grant.

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 \$765,000, 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 is the acquisition of the McCann Property, being Block 1097, Lot 7.01 and Block 1002, Lot 64 on the tax maps of the City, and including all costs associated with the acquisition of the same, including legal, recording, appraisal and investigation costs 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 improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

City of Lambertville
Regularly Scheduled Session
May 21, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 32

(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 40.00 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 \$765,000, 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.

Mayor DeVecchio asked if there were any further questions from the public. There being no further comments or questions, Mayor DeVecchio asked for a motion to introduce Ordinance Number 12-2013. Council President Stegman made a motion to introduce the Ordinance to fund the purchase of the McCann Property. Councilwoman Warner 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 June 18, 2013.

ORDINANCE NUMBER 13-2013: An Ordinance to Amend the Salary & Wage Ordinance of the City of Lambertville.

Mayor DelVecchio read the Ordinance into the record by title. He informed the members of the public present that this ordinance sets the salary & wage rates for the employees of the City of Lambertville.

City of Lambertville
 ORDINANCE NUMBER 13-2013
An Ordinance to Amend the Salary & Wage Ordinance for the City of Lambertville

SALARY AND WAGE ORDINANCE

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

SECTION ONE: The following shall be the range of compensation for the officials and employees of the City of Lambertville not covered by separate bargaining units:

Police Director	\$50,000 - \$80,000
Senior Police Administrative Assistant	\$23,000 - \$40,000
Secretary, Part-time	\$11.00 - \$18.00 per hour
Crossing Guard	\$10.00 - \$15.00 per hour
Parking Enforcement Officer, Full Time	\$12.00 - \$20.00 per hour
Parking Enforcement Officer, Part-time	\$11.00 - \$18.00 per hour
Class I Special Police Officer	\$11.00 - \$15.00 per hour
Police Officer, Part-time	\$12.00 - \$45.00 per hour
Matron	\$12.00 - \$30.00 per hour
Court Administrator	\$26,000 - \$45,000
Deputy Court Administrator Part Time	\$11.00 - \$20.00 per hour
Municipal Court Judge	\$10,000 - \$20,000
Municipal Court Judge, DWI	\$110.00 - \$150.00 per hour
Chief Financial Officer/Director of Finance	\$7,000 - \$55,000 or \$29 to 60 per hour
Tax Collector	\$25,000 - \$43,000
Tax Assessor	\$20,000 - \$35,000
Tax Assessor, Reassessment work	\$5,000 - \$10,000
Mayor & City Council	\$500 - \$5,000
Municipal Clerk	\$50,000 - \$75,000
Administrative Assistants	\$20,000 - \$35,000
Bookkeeper	\$20,000 - \$35,000
Planning Board Administrative Officer	\$3,000 - \$7,000
Zoning Board Administrative Officer	\$3,000 - \$7,000
Zoning Officer	\$4,000 - \$8,000
Construction Code Official	\$17,000 - \$45,000
Electric Subcode Official	\$9,000 - \$15,000
Plumbing Subcode Official	\$4,000 - \$20,000
Fire Subcode Official	\$4,000 - \$13,000
Fire Prevention Official	\$10,000 - \$18,000
Sub Code Officials – Hourly Rate	\$18.00 - \$40.00 per hour
Fire Prevention Secretary	\$10.00 - \$18.00 per hour
Construction Control Person/TACO	\$18,000 - \$35,000

Substitute Official/Inspector	\$18.00 - \$40.00 per hour
Custodian	\$11.00 - \$20.00 per hour
Public Works Director	\$25.00 - \$50.00 per hour
Public Works Foreman	\$16.00 - \$40.00 per hour
Solid Waste Driver	\$15.00 - \$30.00 per hour
Solid Waste Collector	\$5.15 - \$10.00 per hour
Truck Driver/Labor	\$14.00 - \$25.00 per hour
Labor	\$14.00 - \$25.00 per hour
Public Works Operator	\$15.00 - \$30.00 per hour
Librarian	\$18.00 - \$30.00 per hour
Children's Librarian	\$14.00 - \$25.00 per hour
Library Assistant	\$7.00 - \$20.00 per hour
Public Assistance Director	\$7,000 - \$30,000
Animal Control Officer	\$4,000 - \$9,500
Historic Commission Secretary	\$250 - \$1,500
Hourly Rate for Part Time Work	\$11.00 - \$40.00 per hour

WHEREAS, the establishment of a hourly rate is needed for positions that may not fall into a category listed above or to compensate an employee for work completed on an Inter Local Agreement, and

WHEREAS, Mayor and Council recognize there is a need from time to time to hire a qualified individual to complete a job or tasks within the City of Lambertville.

NOW THERE FORE BE IT RESOLVED that Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, by way of adoption of the Salary and Wage Ordinance for 2011, hereby authorize the Salary and Wage Ordinance for 2011.

First Reading and Introduction: May 21, 2013

Second Reading and Public Hearing: June 18, 2013

Final Adoption:

Mayor DelVecchio asked if there were any questions from the public. There being no questions, he asked for a motion to introduce Ordinance Number 13-2013. Councilwoman Asaro made a motion to introduce Ordinance Number 13-2013. Councilwoman Warner 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 June 18, 2013.

ORDINANCES – SECOND READING AND FINAL ADOPTION.

ORDINANCE NUMBER 07-2013: An Ordinance to Amend Chapter 5 of the City of Lambertville General Ordinances, Adding Towing.

Mayor DelVecchio read the Ordinance in to the record by title. He said that this Ordinance will allow the City to establish parameters for towing and bring us into full compliance with State Statutes. He informed the members of the public present that the ordinance was amended to include specific references to the State of New Jersey Statutes and Administrative Code. Attorney Faherty stated that this was not a significant change and it did not require a public notice.

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 coverages 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 **13:45A-31.4:**

Rate Schedule

A. Basic Towing Services.

- Days (8:00 a.m. to 4:30 p.m.), **first mile**
- Nights, weekends and N.J. state holidays, **first mile**
- Each additional mile

B. Storage Fees.

- Inside storage per 24 hours (must have been requested)
- Outside storage per 24 hours
- Storage and storage fees must be in compliance with NJAC 13:45A-31.4.**

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. 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 if there were any questions from the public. There being no questions or comments from the public, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 07-2013. Council President Stegman made a motion to close the public hearing. 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, Ordinance Number 07-2013. Council President Stegman made a motion to adopt Ordinance Number 07-2013. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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 present that this is the next step the City has to take in order to acquire the property.

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 if there were any questions from the public.

John Hencheck of Quarry Street commented that this offers a substantial tax advantage to the owner of the property. He questioned what credentials the City obtained from Mr. McCann and his Five Investors. Attorney Faherty stated that the City doesn't own the property yet. Mr. Hencheck stated that in accordance with the Patriot Act, the City was required to have the necessary information to validate the seller's credentials. He felt the City was a good entity to do business with. Mayor DelVecchio stated that this process was deemed by the Courts of the State of New Jersey to use for the purchase of property for the preservation of Open Space.

Mayor DelVecchio asked if there were any further questions or comments from the public. There being no additional comments or questions, Mayor DelVecchio asked for a motion to close the public hearing. Council President Stegman made a motion to close the public hearing for Ordinance Number 08-2013. 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 Ordinance Number 08-2013. Councilwoman Warner made a motion to adopt Ordinance Number 08-2013. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

NEW JERSEY TRANSIT CORPORATION: Fiscal Year 2013 Request for Federal Financial Assistance.

WEST AMWELL TOWNSHIP: Resolution to Authorize West Amwell Township to Continue With Cooperative Price System and Authorize Cooperative Pricing Agreements with Other Contracting Units.

TOWNSHIP OF RARITAN: Resolution Opposing S2364/A3553, Early Voting.

STATE OF NEW JERSEY, DOT: Letter in Response to the City's Request for A Mid-Block Crosswalk on Bridge Street. The State has forwarded the letter to NJDOT's Traffic Engineering Representatives for Addition to the Investigative Queue. Mayor DelVecchio asked the Clerk to post this on the City's website.

ANIMAL ALLIANCE: Letter requesting use of Mary Sheridan Park and York Street Road Closure for Saturday, October 19th with the rain date of Sunday, October 20th from 11:30 AM to 1:30 PM.

Mayor DelVecchio asked for a motion to approve the request of Animal Alliance for the annual Pet Parade. Councilman Sanders made a motion to approve the request. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

STATE OF NEW JERSEY, DOT: Letter Advising of the Award of \$155,000 for Phase III of the North Union Street Reconstruction Project.

NEW JERSEY SENATE, SHIRLEY K. TURNER, SENATOR-DISTRICT 15: A Congratulatory Letter in Response to the NJDOT Award of the Grant for North Union Street Phase III.

TOWNSHIP OF RARITAN: Resolution Number 13-58 Opposing JCP&L Petition for a Rate Increase.

TOWNSHIP OF RARITAN: Resolution Number 13-61 Supporting Legislation Strengthening Abandoned Property Enforcement.

KALMIA CLUB: Request for Permission to Use the Space on Saturday, June 8, on Bridge Street to give out information on the annual garden tour.

Mayor DelVecchio asked for a motion to approve the request of the Kalmia Club. Council President Stegman made a motion to approve the request. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

NJ TRANSIT: Public Meeting Notice, Disadvantaged Business Enterprise, Friday, May 31, 2013, 12 to 2 pm at NJ Transit Headquarters.

UNFINISHED BUSINESS.

UPDATE ON VARIOUS CONSTRUCTION IMPROVEMENT PROJECTS.

City Hall – *The Acting Public Works Director informed the Mayor and Council that the sidewalk portion was completed on Tuesday, May 07, 2013. The stone on the elevator wall, the handicapped parking space, the sealing of the molding on the roof and the rehangings of the basement door still need to be completed.*

Construction Projects.

South Franklin & Weeden Street Drainage Project: *phase II has been awarded. We are waiting on the construction schedule.*

Miscellaneous.

UPDATE ON PROJECTS FOR FLOOD RELIEF:

Swan Creek: *the letter of intent was filed with FEMA.*

Ely Creek: *Demonstration is scheduled for 9 AM on May 30, 2013.*

UPDATE ON VARIOUS NON-CONSTRUCTION PROJECTS:

SHREC: *The bid opening for the Consultant for Municipal Aggregation is scheduled for May 30th.*

SHRHS Regionalization Work Group: *Councilman Sanders reported that there is a meeting scheduled for Thursday, May 30th. This is a joint meeting for all school boards. The special election to approve the referendum is scheduled for September 24. Mayor DelVecchio asked if they would consider holding the election from 6 am to 8 pm.*

Garbage & Recycling: *Mayor DelVecchio reported that Garbage Tonnage is down 7.09% but up from 2012 numbers by 4.23%. Recycling Tonnage is better but not where it needs to be. He asked the Environmental Commission to take on this task and asked that they include the schools. He asked if they would develop a simple piece of material to send home with the students at the Schools. Emily Goldman was present and said she would pass this along to Brad Campbell, the Chairperson for the Environmental Commission.*

NEW BUSINESS.

Appointments & Resignations from Boards.

Mayor DelVecchio asked for a motion to accept the resignation of Loredana Cromarty from her position as Alternate I from the Recreation Commission and Maura McManimon from her position on the Zoning Board of Adjustment. Mayor DelVecchio nominated the following people to appointments with the City: Marcus N. Rayner to Zoning Board of Adjustment, Mary Freedman to the Office of Emergency Management. Councilman Sanders made a motion to accept the resignations with regret and confirm the nominations made by Mayor DelVecchio. Councilwoman Warner 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.

Resolution Number 87- 2013: A Resolution to Authorize the Spending Plan for the Development Fee Account for COAH.

Mayor DelVecchio informed the members of the public present that this resolution is for COAH and he introduced Emily Goldman, the City Planner. Ms. Goldman explained that this spending plan was amended and she handed out the new plan. She said that it includes 20% for administrative fees, 80% for rehabilitation, and a waiver of the requirement for rent assistance. Mayor DelVecchio explained that the City has a program for qualifying citizens that provides no interest loans for upgrades to properties. The work is completed by a local contractor.

City of Lambertville

Resolution Number 87-2013

A Resolution to Approve the COAH Spending Plan

WHEREAS, the City of Lambertville, County of Hunterdon was granted substantive certification by the Council on Affordable Housing (COAH) on December 3, 2010; and

WHEREAS, the City of Lambertville received approval from COAH on December 3, 2010 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the City of Lambertville has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of City of Lambertville, County of Hunterdon requests that COAH review and approve City of Lambertville's spending plan.

Councilwoman Asaro made a motion to adopt Resolution Number 87-2013.

Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ANNOUNCEMENTS.

ANNUAL MEMORIAL DAY PARADE will be celebrated Monday, May 27th with step-off at the corner of North Union and Cherry Street. Stacy Rose, a Veteran of the Korean War and the Vietnam War will be the Grand Marshall for the event.

300th ANNIVERSARY OF HUNTERDON COUNTY: will be celebrated in each Community in 2014.

350th FOUNDING OF NEW JERSEY: will be celebrated in 2014.

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

Mayor DelVecchio informed the members of the public present that the City received a grant from the State of New Jersey, Department of Transportation for Phase III of North Union Street. This will begin at York Street and end at Delaware Avenue.

PUBLIC PARTICIPATION/PETITION OF CITIZENS AND PUBLIC DISCUSSION.

Mayor DelVecchio recognized Sean Tucker of Douglas Street. The Mayor announced that the City is currently obtaining quotes to black top Douglas Street, Studdiford Street and Boozer Street as well as the parking lot on North Union Street. The Acting Public Work's Director

City of Lambertville

Regularly Scheduled Session

May 21, 2013, 6:30 p.m.

Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville

Minutes

Page 44


informed the Mayor and Council that he continues to experience difficulty in obtaining quotes from contractors. The Mayor asked the Clerk to contact T&M Associates and ask for their assistance. Mr. Tucker thanked the Mayor and Council and said he would keep his neighbors informed.

Wendy McCook of Bucks County Carriage and Dan Whitaker of the Lambertville Station were present to ask Mayor and Council to consider reducing the rate for the Taxi Cabs/Liveries. Ms. McCook stated that a taxi runs 7 days a week and she only operates on the weekend. She doesn't make as much as a taxi does. The Mayor asked Attorney Faherty to look into this request.

ADJOURNMENT.

The meeting adjourned at 8:05 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

These minutes were approved at the regularly scheduled session of Mayor and Council held on Tuesday, June 18, 2013.