



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

Mayor DelVecchio called the meeting to order at 6:30 p.m. with a statement of compliance with the open public meeting act, providing the required notice on Friday, July 12, 2013 to the Beacon, the Democrat, the Times, posting the agenda to the bulletin board at city hall, the website at www.lambertvillenj.org, 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, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Absent: Councilman Sanders.

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 July 16, 2013 Lambertville City Council Meeting to Discuss
Contracts, Personnel, Acquisition of Property, Possible Litigation”*

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

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

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

Nays: None.

Mayor DelVecchio and City Council convened in closed session at 6:31 p.m. with a motion made by Council President Stegman which was seconded by Councilwoman Warner. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio and City Council re-convened in regular session at 6:55 p.m. with a motion made by Councilwoman Asaro and seconded by Councilwoman Warner. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

APPROVAL OF MINUTES.

Councilwoman Warner made a motion to approve the following meeting minutes: June 18, 2013 Regularly Scheduled Session Minutes and June 18, 2013 Closed Session Minutes. Council President Stegman seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

ADMINISTRATIVE REPORTS.

Council President Stegman made a motion to approve the following Administrative Reports: Tax Collector – Bonnie Eick, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk, Police Director – Bruce Cocuzza, Acting Public Works Director – Lester Myers, City Clerk – Cynthia L. Ege, and Chief Financial Officer and Treasurer – Christie Ehret. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

APPROVAL OF BILLS LIST.

Council President Stegman made a motion to approve the bills list for the evening. 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.

Mayor DelVecchio announced that Resolution Number 117-2013 was pulled from the consent agenda. There are two additional resolutions being added to the agenda but will be acted upon separately. He asked for a motion to approve resolution numbers 102-2013 through 116-2013, excluding 109-2013.

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

City of Lambertville
Regularly Scheduled Session
July 16, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 3

Resolution Number 102-2013: A Resolution to Approve the Salary & Wage for the Public Officials and Employees.

City of Lambertville

Resolution Number 102-2013

“Establishing the 2013 Salary and Wages for Officials and Employees of the City of Lambertville”

WHEREAS, Ordinance Number 13-2013 established the salary range for officials and employees of the City of Lambertville; and

WHEREAS, the 2013 calendar year budget included a 2% raise for non-union employees who have been working for the City of Lambertville consistently for more than 1 year, and

WHEREAS, the 2013 calendar year budget was formally adopted by the Mayor and Council of the City of Lambertville on Tuesday, May 21, 2013, and

WHEREAS, it is necessary to establish specific salary for specific positions;

NOW, THEREFORE, BE IT RESOLVED, that the following salaries be established:

<u>Employee</u>	<u>Title</u>	<u>2013 Salary</u>
David M. DelVecchio	Mayor	\$4,000.00
Steven Stegman	Council President	\$2,000.00
Beth Asaro	Councilwoman	\$500.00
Wardell Sanders	Councilman	\$00.00
Elaine Warner	Councilwoman	\$500.00
Bruce Cocuzza	Police Director	\$76,032.45
Sally Lelie	Senior Police Administrative Assistant, Full-time	\$36,735.80
Sandra Witts	Crossing Guard	\$12.32 p/hr
Marie Collins	Parking Enforcement Officer, Full-time	\$15.61 p/hr
Matthew Bast	Parking Enforcement Officer, Part-time	\$12.48 p/hr
Sally Lelie	Police Matron	OT Rate of \$26.50 p/hour at a minimum of 3 hours
Marie Collins	Police Matron	OT Rate of \$23.41 p/hr at a minimum of 3 hours
Barbara Halper	Court Administrator	\$37,414.42
Patricia Wozniak	Deputy Court Administrator	\$18.73 p/hr
Ronald Pittore	Judge	\$12,484.80
	DWI Judge	\$120.00 p/hr
*Christie Ehret	Chief Financial Officer & Treasurer	
	1/1/13 – 7/31/13:	\$25,500.00
	Total for Jan to July: \$14,875.00	
	8/1/13 – 12/31/12:	\$666.67 per month
Susan Bacorn	Bookkeeper	\$33,252.00

City of Lambertville
Regularly Scheduled Session
July 16, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 4

*Susan Bacorn	Deputy Treasurer	
	Beginning 08/01/2013:	\$500.00 per month
Bonnie Eick	Tax Collector	\$39,079.17
Richard Carmosino	Tax Assessor	\$23,845.03
Richard Carmosino	Tax Assessor Reassessment work	\$6,132.22
Cynthia L. Ege	Municipal Clerk	\$70,747.20
Shelley Corrado	Office Clerk/Deputy Registrar	\$27,503.49
*Shelley Corrado	Finance Clerk	
	Beginning 08/01/2013	\$15.00 per hour
Crystal Lawton	Planning Board Administrative Officer	\$6,790.73
Crystal Lawton	Zoning Board Administrative Officer	\$3,431.08
Kenneth Rogers	Construction Code Official/Building Inspector	\$36,414.00
Tim Dieterman	Plumbing Subcode Official	\$12,734.52
John Barczyk	Zoning Officer	\$6,051.45
John Barczyk	Fire Prevention Official	\$12,236.25
Crystal Lawton	Construction Control Person	\$28,005.28
Kenneth Rogers	Fire Subcode Official	\$5,202.00
Victor Timpanero	Official/Inspector – Frenchtown Lambertville	\$35.70 p/hr \$9,180.00
Lester Myers, Jr.	Acting Public Works Director	\$25.00 p/hr
Robbin Worthington	Laborer	\$17.96 p/hr
	Sanitation Truck Driver	\$20.10 p/hr
David Kerr	Laborer	\$16.46 p/hr
David Kerr	Sanitation Truck Driver	\$20.10 p/hr
Christopher Winther	Laborer	\$15.00 p/hr
Christopher Winther	Sanitation Truck Driver	\$17.26 p/hr
Anthony Grecco	Laborer	\$16.14 p/hr
Anthony Grecco	Sanitation Truck Driver	\$17.61 p/hr
	Inmates	\$7.25 p/hr
Helen Kuhl	Public Assistance Director	\$14,255.84
Lara M. Zinda	Historic Commission Secretary	\$1,000.00

BE IT FURTHER RESOLVED, that this resolution shall be retroactive to January 1, 2013, except for the following positions: CMFO & Treasurer, Deputy Treasurer and Finance Clerk.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that when a public works employee, excluding the Public Works Director, is required to drive the trash truck or the recycling truck the employee shall receive \$20.10 per hour.

ADOPTED: July 16, 2013

Resolution Number 103-2013: A Resolution to Approve the Chapter 159 Insertion of a Special Item of Revenue for the Alcohol Education Rehab Grant in the Amount of \$3,166.48.

**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 \$3,166.48 Alcohol Education Rehab 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 \$3,166.48 which item is now available as revenue from the receipt of the Alcohol Education Rehab Grant.

BE IT FURTHER RESOLVED that a like sum of \$3,166.48 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"
Alcohol Education Rehab Grant \$3,166.48

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: July 16, 2013

Resolution Number 104-2013: A Resolution to Approve the Chapter 159 Insertion of a Special Item of Revenue for the Driver Sober Get Pulled Over Grant in the Amount of \$4,400.

City of Lambertville
RESOLUTION NUMBER 104-2013
**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 \$4,400.00 Drive Sober Get Pulled Over 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 \$4,400.00 which item is now available as revenue from the receipt of the Drive Sober Get Pulled Over Grant.

BE IT FURTHER RESOLVED that a like sum of \$4,400.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"
Drive Sober Get Pulled Over Grant \$4,400.00

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: July 16, 2013

Resolution Number 105-2013: A Resolution to Approve the Cooperative Purchase 2013-2014 Winter Season Snow & Ice Control Materials with the County of Hunterdon.

City of Lambertville

Resolution Number 105-2013

A Resolution to Authorize the Cooperative Pricing System for Snow and Ice Control Materials, for the 2013/2014 Season with the County of Hunterdon

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the City of Lambertville wishes to participate in the cooperative purchase of snow and ice control materials; i.e. rock salt, for the upcoming 2013/2014 winter season under the County's contract.

ADOPTED: July 16, 2013

Resolution Number 106-2013: A Resolution to Establish Fees for Towing.

City of Lambertville

RESOLUTION NUMBER 106-2013

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

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

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

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

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

Fees Charged to the Public/Rate Schedule

- A. Basic Towing Services.
Days (8:00 a.m. to 4:30 p.m.) First mile or less \$80.00 1st mile

City of Lambertville

Regularly Scheduled Session

July 16, 2013, 6:30 p.m.

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

Minutes

Page 7

Nights, weekends and N.J. state holidays First mile or less \$95.00 1st mile
Each additional mile. \$ 4.00 (loaded)

B. Storage Fees.

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

Storage and storage fees cannot exceed 30 days

Fees Charged to the City of Lambertville/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.

Other Services which may be charged to the City and/or the public include the following:
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: July 16, 2013

Resolution Number 107-2013: *A Resolution to Authorize the Refund of \$16 to Roy Freedle of 143 North Union Street for An Extra Garbage Permit Purchased but Not Needed.*

City of Lambertville

RESOLUTION NUMBER 107-2013

*A Resolution to Approve the Refund of Extra Garbage Fees for Roy Freedle
In the Amount of \$16*

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 refund of extra garbage fees is hereby authorized in an amount not to exceed \$16.

ADOPTED: July 16, 2013

Resolution Number 108-2013: *A Resolution Authorizing the Issuance of a Check in the Amount of \$750,000 for the Purchase of the McCann Property, Block 1097, Lot 7.01 and Block 1002, Lot 64 on the Tax Maps of the City of Lambertville.*

City of Lambertville

RESOLUTION NUMBER 108-2013

A Resolution to Authorize the Issuance of A Check in the Amount of \$750,000 for the Purchase of Block 1097, Lot 7.01 and Block 1002, Lot 64, Also Known As the McCann Property

WHEREAS, Mayor and Council adopted Ordinance Number 2008-15 which placed an open space question on the ballot of the general election which was passed by the residents of the City of Lambertville on November 4, 2008, approving the purchase of Block 1097, Lot 7.01 and Block 1002, Lot 64, also known as the McCann Property, for Open Space Preservation, and WHEREAS, the City of Lambertville will fund the purchase of the property through the following means:

- Green Acres, State of NJ, DEP,
 - Grant: \$220,000
 - Loans: \$220,000
- Hunterdon County Banked Open Space Funds, approved by Resolution Number 71-103,
 - Grant: \$182,090.83
- City of Lambertville's Open Space Tax Account,

WHEREAS, on July 17, 2013, Ordinance Number 12-2013 will be finally adopted, which will provide immediate funding for the project, and

WHEREAS, the City of Lambertville is in the process of hiring an attorney who will file the paperwork necessary for the taking of the property, and

WHEREAS, a check in the amount of \$750,000 needs to be filed with the paperwork.

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 a check in the amount of \$750,000 is

hereby authorized to be issued to the designee of the Superior Court with the paperwork for the taking of the property known as Block 1097, Lot 7.01 and Block 1002, Lot 64, also known as the McCann Property, on the tax maps of the City of Lambertville, purchased through the Eminent Domain Process, authorized by Ordinance Number 08-2013.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and Attorney(s) are hereby authorized to sign the paperwork necessary for the filing of the taking of the property, for the filing of the deed with Hunterdon County, and any other paperwork necessary to take ownership and/or as required by the grant entities for the property known as Block 1097, Lot 7.01 and Block 1002, Lot 64, also known as the McCann Property, on the tax maps of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey.

ADOPTED: July 16, 2013

Resolution Number 110-2013: A Resolution to Approve the Raffle Application Filed by RAS St. John's for Gift Cards (ShopRite, Sunoco) to be Held October 27, 2013.

City of Lambertville

RESOLUTION NUMBER 110-2013

A Resolution to Approve the Raffle Application Filed by RAS St. Johns for the October 27, 2013 Raffle of Gift Cards

WHEREAS, the membership of the Rosary Alter Society of the St. John's the Evangelist Church filed their raffle application with the City of Lambertville on Tuesday, July 9, 2013, and WHEREAS, the raffle application contained all of the necessary documentation which includes a copy of the raffle ticket, the Registration Identification Certificate issued by the New Jersey Office of the Attorney General, and

WHEREAS, a copy of the application was provided to the Police Director on Tuesday, July 9, 2013, and

WHEREAS, the Clerk has reviewed the application and determined it to be complete.

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 raffle application filed by RAS, St. Johns for the October 27, 2013 raffle of gift cards to ShopRite and Sunoco is hereby approved subject to the review and approval of the Police Department and the State of New Jersey Attorney General's Office.

ADOPTED: July 16, 2013

Resolution Number 111-2013: A Resolution to Accept the Resignation of the Tax Collector effective September 30, 2013.

City of Lambertville

RESOLUTION NUMBER 111-2013

A Resolution to Accept the Resignation of the Tax Collector Effective September 30, 2013

NOW THEREFORE BE IT RESOLVED by the Mayor and Council, in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the resignation submitted by the Tax Collector, Bonnie J. Eick, is hereby accepted, effective October 1, 2013.

ADOPTED: July 16, 2013

Resolution Number 112-2013: A Resolution of Support Authorizing the Sustainable Jersey Grant.

City of Lambertville

RESOLUTION #112-2013

Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Lambertville strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the City of Lambertville is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Council of the City of Lambertville has determined that the City of Lambertville should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Council of the City of Lambertville, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

ADOPTED: July 16, 2013

Resolution Number 113-2013: A Resolution Authorizing the Small Cities Community Development Block Grant.

CITIZEN PARTICIPATION PLAN
CITY OF LAMBERTVILLE
HUNTERDON COUNTY
STATE OF NEW JERSEY

RESOLUTION 113-2013

WHEREAS, the City of Lambertville has applied for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs for City of Lambertville housing rehabilitation projects; and

WHEREAS, the Grant Agreements require the City of Lambertville to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the City of Lambertville has reviewed the Citizen Participation Plan prepared for Small Cities Community Development Block Grant grantees;

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

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Lambertville; and

The City of Lambertville will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

This is to certify that the foregoing Resolution was duly adopted at a regular meeting of the City Council held on July 16th, 2013.

ATTEST:

Resolution Number 114-2013: A Resolution Identifying the CDBG Fair Housing Officer for the City of Lambertville.

RESOLUTION IDENTIFYING CDBG FAIR HOUSING OFFICER

Resolution # 114-2013

WHEREAS, the City of Lambertville has applied for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (hereinafter DCA) for housing rehabilitation projects within the City of Lambertville; and

WHEREAS, these housing rehabilitation projects will be constructed throughout the City and directly benefit qualified low to moderate income residents.

WHEREAS, the City of Lambertville must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Lambertville has made assurances in the grant agreement that:

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that Cynthia Ege, Clerk shall be designated as the Fair Housing Officer for the City of Lambertville.

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact the US HUD Regional Office of Housing and Equal Opportunity and the NJ Division of Civil Rights, inform those agencies of her appointment as Fair Housing Officer and request Fair Housing Information; and BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Lambertville; and

BE IT FURTHER RESOLVED that the City of Lambertville will publish in the local newspaper of record and post at the City Hall a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

ATTEST:

Resolution Number 115-2013: A Resolution Authorizing the Grant Management Plan for Small Cities Community Development Block Grant Submission.

GRANT MANAGEMENT PLAN

CITY OF LAMBERTVILLE

HUNTERDON COUNTY

STATE OF NEW JERSEY

RESOLUTION 115-2013

WHEREAS, the City of Lambertville has applied for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs for housing rehabilitation projects; and

WHEREAS, the Grant Agreement requires the City of Lambertville to comply with all federal regulations with respect to grant management; and

WHEREAS, the City of Lambertville has reviewed the Grant Management Plan prepared for Small Cities Community Development Block Grant submission;

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

The Grant Management Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the City of Lambertville; and

City of Lambertville
Regularly Scheduled Session
July 16, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 12

The City of Lambertville will follow all regulations set forth in that document throughout the term of the Grant Agreement.

This is to certify that the foregoing Resolution was duly adopted at a regular meeting of the City Council held on July 16th, 2013.

ATTEST:

Resolution Number 116-2013: A Resolution Authorizing the Contract with Elizabethtown Gas in an Amount Not to Exceed \$39,344.79 for the Installation of the High Pressure Gas Main for the Generator at City Hall.

City of Lambertville

RESOLUTION NUMBER 116-2013

A Resolution to Authorize the Mayor and Clerk To Sign the Application with Elizabethtown Gas and Appropriate Funding for the Installation of the High Pressure Gas Main for City Hall

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 contract with Elizabethtown Gas in the amount of \$39,344.79 for the installation of the high pressure gas main at City Hall, 18 York Street in the City of Lambertville is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign the Non-Residential Gas Extension Contract at an amount not to exceed \$39,344.79.

BE IT FURTHER RESOLVED that the CMFO is hereby authorized to issue a check to Elizabethtown Gas in an amount not to exceed \$39,344.79, if required.

ADOPTED: July 16, 2013

Council President Stegman made a motion to approve the resolutions 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.

Resolution Number 117-2013: A Resolution Authorizing the Contract with Gabel Associates, LLC as Part of the SHREC for Community Aggregation.

Mayor DelVecchio informed the members of the public present that this resolution is to permit the City to enter into a contract with Gabel Associates, through the South Hunterdon Renewable Energy Cooperative, for the position of consultant for Community Aggregation. The SHREC met on July 11, 2013 and unanimously approved Gabel Associates as the consultant, which was selected through the fair and open process. Gabel Associates has experience with the BPU, with the DCA and has successfully led the municipality of Plumbstead through the process. He asked if there were any questions or comments. There being no questions or comments, he asked for a motion to adopt Resolution Number 117-2013.

City of Lambertville

RESOLUTION NUMBER 117-2013

A Resolution to Authorize the Mayor and Clerk To Sign the Contract With Gabel Associates for the Community Aggregation

WHEREAS, the City of Lambertville is the lead agency for the South Hunterdon Renewable Energy Cooperative, and

WHEREAS, the South Hunterdon Renewable Energy Cooperative met on Thursday, July 11, 2013 and unanimously voted to appoint Gabel Associates, LLC as the Consultant for the Community Aggregation Project.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the contract with Gabel Associates for the Community Aggregation Project of the SHREC is hereby authorized at a rate not to exceed \$.0015/kwh to be paid by the successful bidder of the Community Aggregation Project. BE IT FURTHER RESOVLED that the Mayor and the Clerk are authorized to sign the contract as the lead agency on behalf of the SHREC.
ADOPTED: July 16, 2013

Council President Stegman made a motion to adopt Resolution Number 117-2013, appointing Gabel Associates as the consultant for the Community Aggregation project. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 118-2013: A Resolution Authorizing the Contract with T and M Associates for the Purchase of Electricity for the South Hunterdon Renewable Energy Cooperative. Mayor DelVecchio informed the members of the public present that this resolution is to authorize Michael Mandzik of T and M Associates for the participation in the reverse on-line auction for the purchase of electricity services. The current contract, the City of Lambertville saved approximately \$6,000 in electric bills and West Amwell Township and the LMUA also experienced savings.

City of Lambertville
RESOLUTION NUMBER 118-2013

A Resolution Authorizing the Contract with T and M Associates for the Purchase of Electricity for the South Hunterdon Renewable Energy Cooperative.

WHEREAS, the members of the South Hunterdon Renewable Energy Cooperative (SHREC) appointed Michael Mandzik of T and M Associates as the energy consultant on July 11, 2013, *and*

WHEREAS, T and M Associates is an approved provider of on-line auctions for the purchase of energy generation services by the Division of Local Government Services, Department of Community Affairs, State of New Jersey, *and*

WHEREAS, the SHREC's Board of Director has determined that the use of a reverse on-line auction for the purchase of electricity supply would enable the SHREC to obtain the most advantageous price for the commodity; *and*

WHEREAS, the City of Lambertville, in the County of Hunterdon, in the State of New Jersey is the Lead Agency of the SHREC; *and*

WHEREAS, the Department of Community Affairs, State of New Jersey permits the use of a reverse on-line auction for the purchase of energy generation services pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30.

NOW THEREFORE BE IT RESOVED by the Mayor and Council of the City of Lambertville, in the State of New Jersey, the contract with T and M Associates is hereby authorized.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign the contract.

BE IT FURTHER RESOLVED that:

1. The governing body authorizes Michael Mandzik of T and M Associates to conduct a reverse on-line auction for the purchase of electricity supply for the South Hunterdon Renewable Energy Cooperative,

2. The City of Lambertville does hereby authorize the receipt of bids for the purchase of natural gas through a reverse on-line auction for the South Hunterdon Renewable Energy Cooperative. The SHREC Board of Directors shall determine the time, date and place for the receipt of said bids.
3. The reverse on-line auction shall take place on the date to be set on the newspaper publication.
4. The City Clerk shall prepare a notice for a newspaper publication announcing the auction, indicating the Internet address, where the auction will take place, the date and time of the auction for the purchase of electricity.
5. A certified copy of this resolution shall be filed with the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey, T and M Associates and with the City of Lambertville as Lead Agency for the SHREC.

ADOPTED: July 16, 2013

Mayor DelVecchio asked for a motion to approve Resolution Number 118-2013. Council President Stegman made a motion to approve Resolution Number 118-2013. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 109-2013: A Resolution to Award the Professional Services Contract for the position of Eminent Domain Attorney for the City of Lambertville.

Mayor DelVecchio informed the members of the public present that this City went through the fair and open process to hire an attorney to represent the City with the filing of the paperwork with the Court for the taking of the McCann Property, known as block 1097, lot 7.01 and block 1002, lot 64. He asked for a motion to adopt Resolution Number 109-2013.

City of Lambertville

RESOLUTION NUMBER 109-2013

A Resolution to Award the Professional Services Contract for the Position of Eminent Domain

WHEREAS, the City of Lambertville advertised for professional services contract for an attorney experienced in the field of Eminent Domain, in the June 19, 2013 issue of the Trenton Times, and WHEREAS, the bid opening was held on Thursday, July 11, 2013 at 10 AM at City Hall where the bid documents received were publicly opened and read aloud for the position of Attorney for Eminent Domain, and

WHEREAS, the following bids were received:

Decotiis, FitzPatrick & Cole, LLP, Teaneck, NJ,

\$175 per hour for Attorney Fees, \$75 per hour for administrative fees.

WHEREAS, the City Attorney, Philip J. Faherty, reviewed the bids received and determined them to be responsive and responsible.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Decotiis, FitzPatrick & Cole, LLP is hereby appointed as the Attorney for Eminent Domain at a rate not to exceed \$175 per hour.

ADOPTED: July 16, 2013

Council President Stegman made a motion to adopt resolution number 109-2013 to hire Decotiis, FitzPatrick & Cole, LLP at a rate not to exceed \$175 to be funded through the City's Open Space Tax Account. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – INTRODUCTION AND FIRST READING.

Ordinance Number 15-2013: An Ordinance to Amend Chapter Five, General License, Liveries, Limousines and Taxicabs.

Mayor DelVecchio informed the members of the public present that this Ordinance is to amend Chapter Five and lower the fees for Horse Drawn Carriages/Liveries. It also separates and defines each of the three categories as outlined in the Statute and reduces the fee for Liveries or Horse Drawn Carriages.

City of Lambertville
ORDINANCE NUMBER 15-2013

An Ordinance to Amend Chapter V, General Licensing, Autobuses, Liveries, Limousines and Taxicabs
The City of Lambertville, in accordance with the State of New Jersey, NJSA 48, is licensing all autobuses, liveries, limousines and taxicabs in accordance with the State of New Jersey Statutes, 48:16, 2C:24, 2C:39, 2C: 35, 2A:168A. Therefore, it is a requirement in the City of Lambertville for all autobuses, liveries, limousines and taxicabs to be registered and licensed and to comply fully with the requirements of the State of New Jersey and the City of Lambertville.

I. AUTO CAB, TAXICAB,

- a. Definition as defined in N.J.S.A. 48:16-1, shall mean and include automobile or motor car, commonly called taxi, auto cab, omnibus, or by whatever name or designation they may now or hereafter be known or designated as “taxicab”, engaging in the business of carrying passengers for hire, which is held out, announced or advertised to operator run, or which is operated to run over any of the streets or highways of the City, and particularly accepts and discharges such persons as may off themselves for transportation from points or places within the City, or which is hired by charter, or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place or places, or which charges a fare or price agreed upon, in advance, between the operator and the passenger. Nothing in this section contained shall be construed to include any motor vehicle by whatever name or designation used and employed solely in transporting school children or teachers, or auto buses which are subject to the jurisdiction of the Board of Public Utility Commissioners, or any motor vehicle owned or operated by the City of Lambertville, County of Hunterdon, State of New Jersey, or operated by any nonprofit organization in the business of transporting persons not for profit.
- b. License Required; Fees for License, as defined in N.J.S.A. 48:16-2, necessity of municipal consent before operating auto cab; limited on license fee. No auto cab shall be operated along any street in any municipality until the owner thereof shall obtain the consent of the elective governing body or member thereof having control of the public streets in the municipality. The City of Lambertville, in accordance with P.L. 2011, c. 135, licenses will be the subject of a public auction for the license.
- c. Issuance of License, Inspection of Taxicabs, In accordance with P.L. 2011, Chapter 135, a municipality shall publish a notice in the newspaper circulating generally within the municipality state the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted.

The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed 4, one license per vehicle.

Any license hereafter issued may be transferred upon the payment of a transfer fee of fifty (\$50) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining approval, in writing, of the Mayor's designee.

- d. Application Information: shall include the name, address, phone number of the owner and each operator, copies of insurance, State of New Jersey Business Registration, Sales Tax Certificate, Fingerprinting results and any other information as deemed necessary by the Police Department and/or the City Clerk.
- e. Requirements for Applications: No license to operate a taxicab shall be granted to any person unless he is a citizen of the United States, or shall have declared his intention to become such a citizen. In the case of a co-partnership, no license shall be granted to operate a taxicab unless such corporation is either incorporated or is duly authorized to do business under the laws of this State. All applicants and prospective taxicab drivers must first submit to criminal history checks (fingerprinting) at a designated Live Scan facility prior to the issuance of a license, be 21 years old and possess a State of New Jersey issued driver's license which is currently valid.
- f. Fingerprinting: No license shall be granted to operate a taxicab to any person, or to any partnership or corporation who is not, or the members of or officer of which are not persons of good moral character, or who has, or if any of the members of the partnership, or officers of the corporation have been convicted of any following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2c:35-2. In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph one (1) of the subsection. If a person who has been convicted of one of the crimes outlined in this ordinance or in P.L. 2011, c.135 (A1471 3R), and can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an auto cab and/or taxicab.
- g. Issuance of License; Number Limited; Transfer Fee: In accordance with P.L. 2011, Chapter 135, a municipality shall publish a notice in a newspaper circulating generally within the municipality stating the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no applications will be accepted.

The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed four (4), one per vehicle, four (4) vehicles in total. Any license hereafter issued may be transferred

upon the payment of a transfer fee of fifty (\$50) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining the approval in writing of the Mayor's designee.

- h. Inspection Required Before Issuance of License: No Auto cab or Taxicab shall be licensed until it has been thoroughly and carefully inspected and examined by the Police Department and found to be in a thoroughly safe condition for the transportation of passengers. Such licensed taxicabs shall be clean, fit and of good appearance and well painted and varnished. Side curtains or shades shall not be permitted on any such licensed vehicles. The Department shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of such inspections and examinations, after having been submitted to the Mayor's designee shall be filed with the City Clerk and become a part of the application filed for the licensing of such vehicle, as hereinafter provided.
- i. Display of License: Every licensed taxicab shall display in a manner required or approved by the Mayor's designee, its City license number upon the issuance of the City license of any taxicab. There shall be furnished to the owner a card setting forth the name and address of the owner and the number of the license which card shall be promptly displayed in the interior of the auto/taxicab.
- j. Register to be Maintained: The City Clerk shall keep a register of the name of each person owning or operating vehicle or vehicles licensed under this section, together with the license number and the description, make dimension of such vehicles, with the date and complete record of inspections made of them. All applications for licenses shall be filed by the City Clerk and carefully preserved for reference. All licenses issued shall be recorded in books provided for that purpose, which shall be in such form as the Mayor's designee shall prescribe. All such records shall be open to the inspection of the public at all reasonable times and shall be deemed the official records of the Department and of the City.
- k. Inspection, Written Reports Required: The Police Department shall maintain a constant vigilance over all taxicabs to see that they are kept in a condition of safety for the transportation of passengers, and to this end shall have the right at any and all times to inspect any and all licensed vehicles, and shall maintain a record, in writing of a report of such inspections.
- l. Insurance: as defined in N.J.S.A. 48:16-3, no such consent shall become effective until the owner of the auto cab shall have filed with the clerk of the municipality in which such operation is permitted, an insurance policy of a company duly licensed to transact business under the insurance laws of this State conditioned for the payment of business unless the applicant shall have complied with the provisions of Chapter 231 of the Laws of 1926, embodied in N.J.S.A. 48-16, et seq., N.J.S.A. 39:6B-1 and P.L. Chapter 135, Assembly number 1471 of the State of New Jersey, and the acts amendatory thereof or supplemental thereto, relating to the filing of an insurance policy covering the owner or operator of such vehicles for damages to person for which he may become liable by reason of the ownership, maintenance or use of the vehicle, not less than \$35,000 of motor vehicle liability insurance coverage, or the rate established and set by State of New Jersey Statutes. All such insurance policies shall be issued to cover the term of the license issued by the City.
- m. Licenses Revoked or Suspended: Licenses granted under the preceding sections may be revoked or suspended at any time after notice and hearing by the Mayor's designee if the vehicle shall not be in a safe condition for the transportation of passengers or not kept in

conformity with the terms of this section or if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for the violation of any of the provisions of this section, or any of the rules and regulations made by the Appropriate Authority.

- n. Mayor and Council to Designate Stand: The Mayor and Council are hereby authorized to designate such place or places within the Central Business District or Highway Commercial Zones of the City as public taxicab stands as the Mayor and Council, in its judgment, may deem necessary as may be required for the proper transportation of passengers. The City Clerk is hereby further authorized to grant permits for the operation of taxicabs from private premises as it may deem necessary and proper. No taxicab shall occupy any public taxicab stand unless such taxicab shall have been licensed as provided in this section.
- o. Regulations: No taxicab, while waiting for employment by passengers shall stand on any public street or space other than that at or upon a taxicab stand designated or established in accordance with this section, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his taxicab to and fro in egress from any theater, hall, hotel, public resort, railroad station or other place of public gathering, and no driver shall solicit passengers for a taxicab except when sitting upon the driver's seat thereof, nor shall any driver of a taxicab solicit employment in the transportation of passengers by driving in or through any public street or public place a slow rate of speed, commonly designating as "cruising."

Upon request, no owner or driver of a taxicab or other vehicle regulated under this article, unless previously engaged, shall refuse or neglect to carry an orderly person anywhere within the City of Lambertville. Upon request, every driver of a taxicab is required to provide each passenger with a receipt indicated the driver's name, fee and description of the trip

No person operating a taxicab shall permit or allow any person other than a passenger being transported for hire in or about such taxicab when in service as a taxicab.

- p. Penalties for Violations: The penalties for violation of this ordinance shall be as set forth in Chapter I, Section 1-45 of the Code of the City of Lambertville.

II. LIVERIES

- a. Definitions: as defined in N.J.S.A. 48:16A 1-9 shall mean and include any horse carriage, horse drawn cart, engaging in the business of carrying of passengers for hire, which is held out, announced or advertised to operate or run, or which is operated to run over any of the streets or highways of the City, and particularly accepts and discharges such persons as may off themselves for transportation from points or places within the City, or which is hired by charter, or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place or places.
- b. License required; Fees for License: No less than the sum of \$100 per vehicle/carriage, this will be offered annually by application. The City will offer up to five (5) licenses, one per vehicle or horse drawn carriage. Days of operation are limited to Friday, Saturday, Sunday and/or holidays.
- c. Issuance of License, Inspection of Liveries/Transfer Fee: The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed 5, one license per vehicle.

Any license hereafter issued may be transferred upon the payment of a transfer fee of twenty-five (\$25) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining approval, in writing, of the Mayor's designee.

- d. Application Information: The application form shall include the name, address, phone number of the owner and each operator, copies of insurance, State of New Jersey Business Registration, Sales Tax Certificate, and any other information as deemed necessary by the Police Department and/or the City Clerk.
- e. Requirements for Applications: No license to operate a livery shall be granted to any person unless he is a citizen of the United States, or shall have declared his intention to become such a citizen. In the case of a co-partnership, no license shall be granted to operate a taxicab unless such corporation is either incorporated or is duly authorized to do business under the laws of this State. All applicants and prospective taxicab drivers must first submit to criminal history checks (fingerprinting) at a designated Live Scan facility prior to the issuance of a license.
- f. Inspection Required Before Issuance of License: No livery shall be licensed until it has been thoroughly and carefully inspected and examined by the Police Department and found to be in a thoroughly safe condition for the transportation of passengers. Such licensed taxicabs shall be clean, fit and of good appearance and well painted and varnished. Side curtains or shades shall not be permitted on any such licensed vehicles. The Department shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of such inspections and examinations, after having been submitted to the Mayor's designee shall be filed with the City Clerk and become a part of the application filed for the licensing of such vehicle, as hereinafter provided.
- g. Display of License: Every licensed livery shall display in a manner required or approved by the Mayor's designee, its City license number upon the issuance of the City license of any livery. There shall be furnished to the owner a card setting forth the name and address of the owner and the number of the license which card shall be promptly displayed in the interior of the livery.
- h. Register to be maintained: The City Clerk shall maintain a register of all licenses granted to liveries and this register and application will be made available to the public upon request.
- i. Inspection, Written Reports Required: The Police Department shall maintain a constant vigilance over all liveries to see that they are kept in a condition of safety for the transportation of passengers, and to this end shall have the right at any and all times to inspect any and all licensed vehicles, and shall maintain a record, in writing of a report of such inspections.
- j. Insurance: In accordance with N.J.S.A. 48:16A-2, No vehicle shall be operated wholly or partly along any street in any municipality until the owner of the vehicle shall have filed with the clerk of the municipality in which such operation is maintained, an insurance policy of company duly licensed to transact business under the insurance laws of this State in the sum of \$10,000 against loss by reason of the liability imposed by law upon the vehicle owner for damages on account of bodily injury or death suffered by any person with a maximum limit of \$100,000 for more than one person in any one accident, and in the sum of \$1,000,000 against loss by reason of such liability for damage on account of the injury to or destruction of the property of any person, with a maximum of \$5,000 for more than one person in any one accident, as the result of an accident occurring by reason of the ownership, maintenance or use of the vehicle upon any public

street. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$105,000. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such vehicle or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

- k. Licenses Revoked or Suspended: Licenses granted under the preceding sections may be revoked or suspended at any time after notice and hearing by the Mayor's designee if the vehicle shall not be in a safe condition for the transportation of passengers or not kept in conformity with the terms of this section or if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for the violation of any of the provisions of this section, or any of the rules and regulations made by the Appropriate Authority.
- l. Penalties for Violations: The penalties for violation of this ordinance shall be as set forth in Chapter I, Section 1-45 of the Code of the City of Lambertville.

III. LIMOUSINES

- a. Definitions: In accordance with N.J.S.A. 48:16-22.3a, any person who owns a limousine service, or any other company or service which pairs a passenger automobile, as defined in R.S. 39:1-1, and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, include, but not limited to, the use of authorized drivers of rental vehicles to provide such passenger transportation, in no event shall it have a seating capacity of more than 14 passengers, not including the driver, shall require an applicant for employment as a limousine operator or driver, or as an operator or driver of any other passenger automobile, as defined in R.S. 39:1-1.
- b. License Required; Fees for License: No limousine shall be operated in the State of New Jersey without being registered and licensed.
- c. Issuance of License, Inspection of Limousines: The clerk of the municipality in which the owner has his principal place of business, upon the filing of the required insurance policy and the payment of a fee shall issue in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-17.
- d. Application Information: shall include the name, address, phone number of the owner and each operator, copies of insurance, State of New Jersey Business Registration, Sales Tax Certificate, Fingerprinting results and any other information as deemed necessary by the Police Department and/or the City Clerk.
- e. Requirements for Applications: No license to operate a limousine shall be granted to any person unless he is a citizen of the United States, or shall have declared his intention to become such a citizen. In the case of a co-partnership, no license shall be granted to operate a taxicab unless such corporation is either incorporated or is duly authorized to do business under the laws of this State. All applicants and prospective taxicab drivers must first submit to criminal history checks (fingerprinting) at a designated Live Scan facility prior to the issuance of a license, be 21 years old and possess a State of New Jersey issued driver's license which is currently valid.

In accordance with N.J.S.A. 48:16-22.3b., any person who owns a limousine service shall require an applicant for employment as a limousine operator or driver to be tested, at the applicant's expense, for dangerous controlled substances as defined in N.J.S.A. 2C:35-2.

f. Fingerprinting: No license shall be granted to operate a limousine to any person, or to any partnership or corporation who is not, or the members of or officer of which are not persons of good moral character, or who has, or if any of the members of the partnership, or officers of the corporation have been convicted of any following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2c:35-2. In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph one (1) of the subjection. If a person who has been convicted of one of the crimes outlined in this ordinance or in P.L. 2011, c.135 (A1471 3R), and can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving a limousine.

g. Issuance of License; Fee: The clerk of the municipality, in which the owner has his principal place of business, upon the filing of the required insurance policy and the payment of the fee, which shall not exceed \$50, shall issue in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-17.

The original license shall be retained within the limousine and shall be available for inspection by any police officer in the State.

The duplicate license shall be filed with Division of Motor Vehicles before any such car is registered as a limousine.

h. Inspection Required Before Issuance of License: No limousine shall be licensed until it has been thoroughly and carefully inspected and examined by the Police Department and found to be in a thoroughly safe condition for the transportation of passengers. Such licensed limousine shall be clean, fit and of good appearance and well painted and varnished. Side curtains or shades shall not be permitted on any such licensed vehicles. The Department shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of such inspections and examinations, after having been submitted to the Mayor's designee shall be filed with the City Clerk and become a part of the application filed for the licensing of such vehicle, as hereinafter provided.

i. Display of License: Every licensed taxicab shall display in a manner required or approved by the Mayor's designee, its City license number upon the issuance of the City license of any limousine. There shall be furnished to the owner a card setting forth the name and address of the owner and the number of the license which card shall be promptly displayed in the interior of the auto/taxicab.

j. Register to be Maintained: The City Clerk shall keep a register of the name of each person owning or operating vehicle or vehicles licensed under this section, together with the license number and the description, make dimension of such vehicles, with the date and complete record of inspections made of them. All applications for licenses shall be filed by the City clerk and carefully preserved for reference. All licenses issued shall be

recorded in books provided for that purpose, which shall be in such form as the Mayor's designee shall prescribe. All such records shall be open to the inspection of the public at all reasonable times and shall be deemed the official records of the Department and of the City.

- k. Inspection, Written Reports Required: The Police Department shall maintain a constant vigilance over all limousines to see that they are kept in a condition of safety for the transportation of passengers, and to this end shall have the right at any and all times to inspect any and all licensed vehicles, and shall maintain a record, in writing of a report of such inspections.
- l. Insurance: as defined in N.J.S.A. 48:16-14, no limousine shall be operated wholly or partly along any street in any municipality until the owner of the limousine shall have filed with the clerk of the municipality in which the owner has his principal place of business, an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street.
- m. Licenses Revoked or Suspended: Licenses granted under the preceding sections may be revoked or suspended at any time after notice and hearing by the Mayor's designee if the vehicle shall not be in a safe condition for the transportation of passengers or not kept in conformity with the terms of this section or if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for the violation of any of the provisions of this section, or any of the rules and regulations made by the Appropriate Authority.
- n. Penalties for Violations: The penalties for violation of this ordinance shall be as set forth in Chapter I, Section 1-45 of the Code of the City of Lambertville and N.J.S.A. 48:16.

All other previous ordinances pertained to Taxicabs, Auto cabs, Limousines or Liveries are hereby repealed.

INTRODUCED: July 16, 2013

PUBLIC HEARING: August 20, 2013

Mayor DelVecchio asked if there were any questions from the public and he informed everyone that the public hearing is scheduled for August 20, 2013.

Mayor DelVecchio asked for a motion to introduce Ordinance Number 15-2013. Council President Stegman made a motion to introduce on first reading Ordinance Number 15-2013. 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 August 20, 2013.

Ordinance Number 16-2013: An Ordinance to Amend Chapter Ten, Garbage & Recycling.

Mayor DelVecchio informed the members of the public present that this ordinance is to amend Chapter Ten of the general Ordinances of the City of Lambertville, Garbage and Recycling, requiring lids for all receptacles and adding a section for grass clippings/brush, electronics and clothing.

City of Lambertville
ORDINANCE NUMBER 16-2013
An Ordinance to Amend Chapter XII, Sanitation; Recycling

CHAPTER XII
SANITATION; RECYCLING

SECTION 12-1: SANITATION

The purpose of this Ordinance is to establish rules for the collection of garbage, refuse, and other material which cannot be recycled.

DEFINITIONS:

Construction Materials: Construction materials are defined as any sheetrock, wood, cinder block, insulation or other refuse removed from a property during the construction/reconstruction phase of a project.

Containers: A receptacle or a flexible covering with a lid and drainage for the purpose of storing garbage or recycling.

Garbage shall mean the refuse of animal and vegetable matter which has been used or intended for food, unwanted useless material that cannot be recycled.

Miscellaneous refuse shall mean all daily waste from private residences, hotels, restaurants, and other places of business and applies particularly to such articles old shoes, carpets, broken crockery or glass, and such other articles that cannot be recycled; but it does not include anything like building materials.

Recycling: the City shall collect and recycle the items which are listed under Appendix B. All recycling items must be kept separate from the garbage and refuse in a container with a lid and must be marked with a large "R" or label or other means which identifies the contents as recycling materials.

12-1 RECEPTACLES FOR GARBAGE.

12-1.1 Number of Receptacles; Maintenance. The occupant of every dwelling unit, office and business where garbage is accumulated shall be entitled to place four (4) bags or containers of regular household trash, which cannot be recycled, each week on their designated day for collection by the City of Lambertville. Each bag or container shall: weigh less than forty (40) pounds, be less than four (4') foot in any dimension, have a means of draining water and have a lid. The receptacles along the street are for use by visitors to the City and not for placement of household or commercial trash. (Ord. 3/7/1904, paragraph 1; Ord. 2002-24, paragraph 1)

12-1.2 Time and Manner of Placement. Each container shall be placed on the curb by 7:00 a.m. on the designated collection day for that area. The container shall not be placed on the curb before 5:00 p.m. of the day before the designated collection day and shall be removed by 7:00 a.m. of the day after the designated collection day. (Ord. 3/7/1904, paragraph 2; Ord. 2002-04, paragraph 2). Failure of a residence to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each violation of noncompliance.

12-1.3 Collections of Miscellaneous Refuse. Miscellaneous refuse shall be collected and removed from all private residences, and other places of business in the City which comply with the established regulations. All refuse intended for collection must be deposited by householders in receptacles suitable for that purpose and which can be readily handled by one man, and have a lid. All such receptacles shall be placed at points accessible to collectors. (Ord. 3/7/1904, paragraph 7)

12-1.4 Rules for Collection Established. The Mayor and Council shall have the power and duty to establish proper rules and regulations governing the collection of garbage and miscellaneous refuse not inconsistent with the provisions of this section, and to fix the time for such collections and to change the time of such collections whenever in their judgment, such changes shall be necessary or advisable. (Ord. 3/7/1904, paragraph 9)

12-1.5 Authorized Persons Only to Handle Collection. No person other than the owner or authorized collector shall interfere with or disturb any garbage or miscellaneous refuse after it shall have been put in a receptacle as aforesaid and placed in an accessible place for collection, nor shall any unauthorized person molest, burden, delay or in any manner interfere with any collector of garbage or refuse in the discharge of his duty. (Ord. 3/7/1904, paragraph 10)

12-1.6 Containers to have Lids. All containers used for the purpose of storing garbage or recycling must have a lid and not hold water or liquids.

12-1.7 Trash Material to be Drained of Liquids. It shall be unlawful for the occupant of any dwelling, house, store or other building to place on any public street or other public place, any garbage or other waste containing water, unless such garbage or other waste has been thoroughly drained of its moisture and wrapped up in substantial paper, and deposited in a suitable receptacle. (Ord. 6/10/20)

12-1.8 Trash Materials to be Tied or Fastened Securely. All waste paper, excelsior, rags, old clothes, bedding or other rubbish or refuse of a like nature, which will scatter if loose, shall not be placed on any public street, or place for collection, unless it is fastened together securely by tying or otherwise. (Ord. 6/10/20)

12-1.9 Procedures for Placement of Weeds, Shrubbery Clippings, Limbs, Branches and other Garden Waste; Collection to be Made by Public Works Department.

- a. Beginning November 1 and ending December 31 of each year, leaves shall be placed in piles along the curb line of the street. The piles shall not exceed five (5) feet in width from the curb line. The Director of Public Works or the Mayor's designee may require that leaves be bagged and shall provide the public with notice of such requirement.
- b. All weeds and similar growth clippings shall be placed in a container so that they may be easily emptied in the collector's vehicle.
- c. Hedge and shrubbery clippings, tree trimmings and garden waste will be collected if tied in bundles not to exceed four (4) feet in length and not to exceed two (2) feet in diameter. The total volume placed at the curb for one (1) day's pickup will not exceed ten (10) bundles and must be placed so that they will not spill out in the gutter, street or on sidewalks.
- d. The City will not remove and/or chip trees.

12-2 Procedures for Disposal of Grass Clippings; Schedule; Fee.

- a. Beginning April 15 through October 15 of each year, the residents and businesses of the City can drop off grass clippings at the Public Works Department between the hours of 9 AM and Noon Monday through Saturday.

- b. Grass clippings shall be kept separate from and not disposed of with regular garbage and refuse which is collected by the Public Works Department.

12-2 PERMIT FOR DUMPSTER OR RECEPTACLES PLACED ON STREETS OR SIDEWALKS.

12-2.1 Compliance Required. No person shall encumber or obstruct any street or other public place in the City by placing therein or thereon any dumpster or other similar container commonly used for the collection of building materials, except in compliance with the provisions of this section and with a permit issued in accordance herewith. (Ord. #87-8, paragraph 1)

12-2.2 Definitions. As used in this section:

City shall mean the City of Lambertville.

Dumpster shall mean a container or debris-transfer body commonly used for the placing and/or collection of debris and building materials during building construction and/or renovations.

12-2.3 Permit Application.

- a. Any person desiring a permit shall make written application therefore to the City Clerk specifying the exact proposed location of such dumpster, container or other receptacle, the size and capacity thereof, the name of the owner of the abutting property, the length of time that the use is required, and such other information as may be required by the City Clerk.
- b. All such dumpsters or similar containers shall bear an identification number assigned by the State, and the name, address and telephone number of the person responsible therefor.
- c. All such dumpsters, containers or other receptacles that remain on the public streets or sidewalks during the hours between sunset of one day and sunrise of the next day shall be equipped with suitable reflectors, or such other warning devices, as may be required by the City Clerk. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500') feet.
- d. Unless the length of time on the subject permit is specified, any permit issued pursuant to this section shall only be valid for forty-eight (48) hours. (Ord. #87-8, paragraph 3)

12-2.4 Fees and Deposits. The application for a permit shall be accompanied by a fee of fifty (\$50.00) dollars. In addition, the City Clerk may in her discretion require an indemnity deposit not to exceed five hundred (\$500.00) dollars to reimburse the City for the cost of any extraordinary cleanup or repairs which may be incurred by the City as a result of the use permitted. This deposit, or any unused portion thereof, shall be refunded in the event that there are no extraordinary cleanups or repairs. (Ord. #87-8, paragraph 4; Ord. #97-06, paragraph 1)

12-2.5 Insurance. Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured's and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of such dumpster or other similar container. Such policy or certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and fifty thousand (\$50,000) dollars per property damage and shall provide at least thirty (30) days' notice of cancellation to be afforded to the City Clerk. (Ord. #87-8, paragraph 5)

12-2.6 Permit Term; Expiration.

- a. No permit shall be granted by the City Clerk for a term longer than seven (7) days.
- b. Permit is renewable for additional seven (7) day period at the discretion of the Public Works Director for an additional fee of \$100 for each additional application for permit that is filed.
- c. Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster or similar container from the sidewalk, street or public place. (Ordinance 2006-13 adopted May 15, 2006).

12-2.7 Refusal or Revocation Permit.

- a. The City Clerk may in her discretion refuse to issue a permit if she deems same to constitute a danger to public safety, or an unwarranted interference with the efficient movement of traffic.
- b. The City Clerk may revoke a permit for the same reasons, and if the dumpster or similar container is not removed within twenty-four (24) hours after notification, may arrange to have the same removed by the company at the property owner's cost and expense.
- c. If the City Clerk shall determine that an emergency situation exists with regard to the dumpster or other similar container, she may remove same without notice, at owner's expense. (Ord. #87-8, paragraph 7)

12-2.8 Restriction on Location and Placement.

- a. No dumpster or other similar container shall be placed within ten (10') feet of a fire hydrant.
- b. No dumpster or similar container shall be placed within five (5') feet of an adjacent property owner's driveway.
- c. No dumpster or other similar container shall be placed closer than twenty-five (25') feet from an intersection or further than six (6") inches from a curb.
- d. The area beneath and surrounding the dumpster or other similar container shall be kept cleaned, and upon removal of same, the street or roadway shall be swept clean of all loose debris and restored to its former condition.
- e. The dumpster or other similar container shall not be filled higher than four (4") inches from the top edge to prevent debris or materials from falling or being blown onto the streets. (Ord. #87-8, paragraph 8)

12-2.9 Violations and Penalties.

- a. Any dumpster or other similar container in violation of this section shall be removed by the permit holder after twelve (12) hours oral notice given to the owner thereof by the City Clerk.
- b. Notwithstanding paragraph a. above, any dumpster or other similar container situated in such a manner as to obstruct an adjacent owner's driveway or create traffic or road hazard shall be moved immediately upon notice given to the owner thereof by the Police Department.
- c. Any person violating the terms of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-3. (Ord. #87-8, paragraph 9; New)

12-3 RECYCLING PROGRAM*

12-3.1 General.

- a. The rules and regulations of this section are mandatory for all occupants of residential, commercial and institutional establishments located in the City of Lambertville.
 - b. Any recyclable placed at the curbside for pickup or deposited at a residential complex depot shall be and become the property of the City or its authorized agent. It shall be a violation of this section for any person or company unauthorized by the City to collect or pickup or cause to be collected or picked up any such recyclable. Each such collection or pickup in violation hereof is an offense subject to a fine of up to two hundred (\$200.00) dollars. Multiple collections or pickups are deemed multiple separate and distinct offenses.
 - c. The provisions of this section may be enforced by the Recycling Coordinator and/or the Recycling Enforcement Specialist of Hunterdon County, the Municipal Building Code Official or a designated officer of the City.
 - d. No recyclable that is being collected as part of the municipal recycling program may be donated or sold to or received by any person, partnership or corporation (whether operating for profit or not for profit) unless said person, partnership or corporation has first received written authorization from the Recycling Coordinator of the City of Lambertville.
 - e. The Recycling Coordinator of the City is hereby authorized and directed to establish and promulgate reasonable rules and regulations as to the recycling plan for the City. The recycling plan shall include Appendices B, C, and D of this section. Such rules and regulations shall be effective no earlier than thirty (30) days nor later than ninety (90) days from the date of promulgation and publication of said rules and regulations. The Mayor and Council of the City may, by majority vote, change, modify, repeal or amend any portion of said rules and regulations.
 - f. Appendix A creates the position of Recycling Coordinator and contains the Recycling Coordinator's job description.
 - g. Appendix B establishes a collection schedule and collection requirements for the City of Lambertville.
- *Editor's Note:** Prior ordinances codified herein include portions of Ordinance No. 88-13.
- h. Appendix C designates materials that are required to be recycled by the occupants of residential, commercial and institutional premises pursuant to the Hunterdon County Recycling Plan.
 - i. Appendix D designates materials that are to be recycled in the City of Lambertville.
 - j. If any section, sentence or other part of this section is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this section but shall be confined in its effect to the section, sentence or other part of this section directly involved in the controversy in which such judgment shall have been rendered.
 - k. All ordinances or parts of ordinances which are inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency.

- l. This section shall take effect after final passage and publication according to law.
- m. Upon adoption this section shall become part of the Revised General Ordinances of the City of Lambertville.

12-3.2 Designation of Recyclable Materials. Because of changing markets for recyclable materials, a long-term discussion on which solid waste materials should be designated as recyclable is not possible. Therefore, please refer to Appendix C and Appendix D of this section for a list of those materials which are designated as recyclable. (Ord. #92-06, paragraph B)

12-3.3 Recycling Residences.

- a. Residences are defined as single dwellings designed for occupancy by from one (1) to four (4) family.
- b. Each family within a residence is required to recycle all materials designated by Appendix C and appendix D as “residential recyclables”.
- c. Each category of recyclable material must be prepared for collection as specified in Appendix B.
- d. Failure of a family within a residence to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph C)

12-3.4 Recycling in Residential Complexes.

- a. Residential complexes are defined as single or multiple dwellings designed for occupancy by more than four (4) families.
- b. Each family within a residential complex is required to recycle all materials designated by Appendix C and Appendix D as “residential recyclables”.
- c. Each category of recyclable material must be prepared for collection specified in Appendix B.
- d. The owner of each residential complex is responsible for providing a recycling depot for the entire complex. The depot shall be equipped with owner or contractor supplied receptacles for each category of designated recyclable material. Access to the depot shall be controlled by the owner or his agent(s); however, access to the depot for the families of the residential complex must be scheduled at least once a week for at least a two (2) hour period and access to the depot must be made available to the recyclables collector between 7:00 a.m. and 4:00 p.m. on collection days.
- e. Failure of a family within a residential complex to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. Failure of an owner (or his agent) to abide by the rules and regulations of this section may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph D)

12-3.5 Recycling by Commercial, Industrial and Institutional Establishments.

- a. Commercial, industrial and institutional establishments are defined as all entities which operate or conduct any business whatsoever which cannot be included within the definitions of a residential premises or complex.
- b. Each commercial, industrial and institutional establishment is required to recycle all materials designated by Appendix C and Appendix D as “commercial, industrial and institutional recyclables”.
- c. Commercial, industrial and institutional establishments may be exempted from recycling all materials designated by Appendix C and Appendix D as “commercial, industrial and institutional recyclables” provided at least one (1) commodity is recycled. This exemption must be applied for and approved by the Recycling Coordinator and must be made in writing. Included with the request must be evidence showing that the applicant will implement an individual establishment’s alternate recycling plan identifying the material(s) that will be recycled and presents that an excess of fifty (50%) percent of the solid waste generated by the applicant will be recycled. A temporary one (1) time three (3) month exemption may be granted without supporting evidence at the discretion of the Recycling Coordinator; however, at the end of the three (3) month period the establishment must reapply for exemption with evidence collected during the three (3) month period. All regular exemptions (non temporary exemptions) will expire December 31st of each year. Exemptions must then be reapplied for no later than January 31st of the next year.
- d. Designated recyclables as described in Appendix C and Appendix D must be delivered to a State approved recycling facility at least once a month. Weight slips detailing the date, type of recyclables and the weight (in pounds or tons) must be delivered to the Borough Clerk no later than the 15th of the month for the preceding month.
- e. Failure of a commercial or industrial establishment to abide by the rules and regulations of this Ordinance may be fined up to two hundred fifty (\$250.00) dollars for each month of noncompliance. (Ord. #92-06, paragraph E)

APPENDIX A

ESTABLISHMENT OF THE POSITION OF MUNICIPAL RECYCLING COORDINATOR

1. In order to carry out the requirements of the New Jersey Mandatory Source Separation and Recycling Act and the Hunterdon County Recycling Plan, the position of Municipal Recycling Coordinator is hereby established.
2. The Municipal Recycling Coordinator will be annually appointed by the Mayor and will serve a term of one year. The Mayor will annually affirm in writing the name of the person holding the position of Municipal Recycling Coordinator.

JOB DESCRIPTION FOR THE POSITION OF MUNICIPAL RECYCLING COORDINATOR

1. The recycling coordinator will report to the governing body and/or the Municipal Clerk at least once annually on the status of the Municipal recycling program including:
 - a. Tonnages that have been recycled by the Municipal program since the last report.
 - b. Any additional materials that can reasonably be considered to be recycled as part of the Municipal program.

- c. The impact that the Municipal recycling program has had upon the amount of solid waste generated within the Municipality.
 - d. Report on financial or technical assistance that is available to the Municipal recycling program.
 - e. Recommending revisions of the rules and regulations of the Municipal recycling program as developed by the recycling coordinator in Appendices B, C, and D of this section.
2. The Municipal Recycling Coordinator will attend all Municipal Recycling Coordinator meetings that the governing body deems to be important. This includes meetings that may be conducted by the State, the County or other appropriate organizations.
3. Promotes the Municipal recycling program by educating citizens, businesses, institutions and organizations to the need to participate in the Municipal recycling program.
4. Explain to citizens, businesses, institutions and organizations the provisions of the mandatory recycling ordinance and assist in the enforcement thereof.

APPENDIX B

PICK-UP DAYS: The City of Lambertville is divided into four zones for the trash and recycling collection.

ZONE ONE, TUESDAY PICK-UP: Begins at Church Street and goes south to Route 29, includes Bridge Street, Ferry Street, Swan Street, Mount Hope Street and Canal Street. It also includes Curley Lane, Grants Alley and Washington Street.

ZONE TWO, WEDNESDAY PICK-UP: Includes Cottage Hill, Connaught Hill and Music Mountain.

ZONE THREE, THURSDAY PICK-UP: Begins at Church Street, runs north to Delaware Avenue.

ZONE FOUR, FRIDAY PICK-UP: Begins the north side of Delaware Avenue, runs north to Cherry Street, and includes Lamberts Hill and Blair Tract.

The following is a list of **MATERIALS THAT MUST BE RECYCLED**, which may be updated by the Recycling Coordinator based on the materials currently recycled.

CURBSIDE SINGLE STREAM RECYCLING			
RECYCLABLE	EXAMPLES	PREPARATION	NOT RECYCLABLE

<p>NEWSPAPERS</p>	<p>Clean newsprint and the inserts that come with newspapers such as comics, glossy coupons, magazine sections and colored ads.</p>	<p>Do not tie or place in plastic bags. Contain in brown bags or boxes or place loose in approved collection container or bucket, remove samples and plastics from junk mail.</p>	<p>Newspapers in plastic film weather bags. Remove from plastic bag and recycle separately.</p>
<p>BUSINESS PAPER AND JUNK MAIL</p>	<p>Magazines, writing and school paper, envelopes with or without windows, shredded paper (contained), copy paper, paperback books, hardcover books with covers removed, catalogs, phone books, store fliers, office papers, file folders, greeting cards, non-metallic gift wrapping paper and boxes.</p>	<p>Contain in brown bags or boxes or place loose in approved collection container or bucket, remove samples and plastics from junk mail.</p>	<p>Tissue and toilet paper, photographs.</p>
<p>CARDBOARD PAPER AND CHIPBOARD</p>	<p>Corrugated cardboard, boxes and brown paper grocery bags, cereal and other non-wax coated food containers, tissue boxes, shoe boxes, clean corrugated pizza boxes and paper egg cartons.</p>	<p>Flatten boxes, remove and discard Styrofoam and other packing materials.</p>	<p>Wax coated containers and frozen food boxes, milk and juice containers, Styrofoam containers, plastic egg cartons and similar food containers.</p>
<p>GLASS</p>	<p>Bottles and Jars of all colors with labels</p>	<p>Rinse clean, metal lids and tops acceptable.</p>	<p>Plastic caps and tops, drinking glasses, Pyrex, vases, dishes, bake ware, china. Containers without a Recycling Triangle #1 through #7.</p>
<p>PLASTICS</p>	<p>Bottles, Jars and Tubs with a #1, #2, #3, #4, #5, #6, and #7 in the Recycling Triangle such as Beverage, Milk, Detergent, Shampoo, Margarine, and</p>	<p>Rinse clean, remove all caps, lids and tops and dispose with regular trash.</p>	<p>Containers without a Recycling Triangle #1 through #7.</p>

	Yogurt.		
ALUMINUM, TIN, STEEL AND BIMETAL	Soda, Beverage and Food Containers, bimetals cans, aerosol containers (shaving cream, mousse, etc.)	Rinse clean, metal lids acceptable, empty aerosol containers.	Aerosol cans that contain product, aluminum foil and pie plates, cooking pots and pans.

- Batteries – Low voltage and rechargeable*
- Batteries – Lead acid motor vehicle*
- Corrugated cardboard*
- High Grade and/or Office Paper*

USED MOTOR OIL: You can take used motor to any authorized New Jersey Motor Vehicle re-inspection station for disposal. There is a fee charged for this service. The City does not accept used motor oil.

HUNTERDON COUNTY HAZARDOUS WASTE COLLECTION DAYS & ELECTRONIC DROP OFF DAYS: Please contact the Hunterdon County Utilities Authority, DIVISION OF SOLID WASTE AND RECYCLING, at 908-788-1110, FAX 908-788-1662, for additional information *or* visit their website at: <http://www.co.hunterdon.nj.us/solidwaste/cleanup.htm>.

MEDICINE DROP: Both residents and non-residents may now dispose of medications anonymously, seven days a week, 365 days a year, at the new drop box in the lobby of Police Headquarters located at 349 North Main Street, Lambertville. The drop box is accessible weekdays between 9:00 a.m. and 4:30 p.m. At all other times people wishing to dispose of medications will be provided access by reaching an officer via the call box located next to the entrance door to headquarters.

ELECTRONICS & CLOTHING: Residents and businesses may dispose of used electronics and/or clothing, Monday through Saturday from 8 AM to Noon, by taking the items to the Public Works Department located at 120 Quarry Street and placing their items in the respective binds.

APPENDIX D

(Materials that are not required to be recycled but may be considered mandatory by a municipality by a municipality and/or alternate recyclables for residential, commercial and industrial and institutional establishments.)

- Yard Waste
- Bi-Metals/Steel Cans
- White Goods
- Plastics - #'s 1 + 2 at present (may be expanded in the future)
- Food Waste

City of Lambertville
Regularly Scheduled Session
July 16, 2013, 6:30 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Minutes
Page 33

Waste oil*
Tires*

Construction/Demolition Debris** (components resulting from the construction and/or demolition of a building or structure, both residential and commercial, including but not limited to brick, sheetrock, glass, wood, tree stumps, logs, branches, and other like material found in the demolition and/or construction industry.)

Any material that can be unquestionably be recycled of a non-traditional nature that is generated by a commercial/industrial or institutional establishment provided that there is a proven, viable market for the said materials.

*Mandatory for commercial, industrial and institutional establishments.

**The construction and building permits that are issued may require performance bonds and/or escrow accounts that are returned to the permit holder when receipts are show documenting the proper disposal at the appropriate solid waste facility or approved recycling center.

12-4 FEES FOR COLLECTION OF SOLID WASTE.

12-4.1 Findings. A solid waste collection system has been established within the Department of Public Works, and there is a need for collection services for curb side pick-up of four bags/receptacles per unit, placed to the curb in a prescribed manner which has been established for each residential or commercial unit. (Ord. #89-23, Preamble) (Ordinance 2010-10)

Receptacles are defined in section 12-1.1 *“as each bag or container shall weigh less than forty (40) pounds and be less than four (4’) foot in any dimension and be totally enclosed.”* The receptacles along the street are for use by visitors to the City and not for placement of household or commercial trash.

Units are defined as Commercial or Housing Units which house one business or family per unit.

12-4.2 Fee Schedule Established.

- a) The fees for collection and disposal services in excess of four (4) bags shall be established by resolution annually for the public’s convenience in disposing of items which are not included in the weekly collection. The Public Works Director in conjunction with the City Clerk shall submit a list of recommended items which will be approved by resolution of the Governing Body annually.
- b) All additional service shall be arranged through the City Clerk’s Office with payment prior to the service being provided.
- c) A tag for additional service will be provided by the City Clerk’s Office upon payment for the services listed in paragraph a. and shall be affixed to the item when it is placed at the curbside. (Ord. #89-23, paragraphs 1-3)
- d) Annually, the City of Lambertville may conduct a Sparkle Week and may collect additional fees by permit. The rate will be established based on the current rate paid by tonnage, set and approved by Resolution of Mayor and Council with input from the Public Works Director and City Clerk.

- e) Electronics can be picked up at the curb for recycling for a fee which will be established by resolution.

Mayor DelVecchio asked if there were any questions from the public. Council President Stegman asked if residents could still place cardboard or open containers to the curb. Mayor DelVecchio confirmed that as long as it had a means to drain the water the container could be used and stacking cardboard is acceptable.

Mayor DelVecchio asked for a motion to introduce Ordinance Number 16-2013. Council President Stegman made a motion to introduce on first reading, Ordinance Number 16-2013. 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 August 20, 2013.

Ordinance Number 17-2013: An Ordinance to Amend Chapter 7 to Create A Handicapped Parking Space in Front of 50 Perry Street.

Mayor DelVecchio informed the members of the public present that this ordinance is to create a handicapped parking space in front of 50 Perry Street.

City of Lambertville
Ordinance Number 17-2013
*An Ordinance to Amend the Revised General Ordinance of the City of Lambertville, 1990, Chapter 7:
Traffic: Create a Handicapped Parking Space at 50 Perry Street*

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

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

Handicapped parking space in front of 50 Perry Street.

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

Introduced: July 16, 2013
Public Hearing: August 20, 2013
Final Adoption:

Mayor DelVecchio asked if there were any questions from the public. He informed the members of the public present that the public hearing on this ordinance would be at the August 20th session.

Mayor DelVecchio asked for a motion to introduce Ordinance Number 17-2013. Council President Stegman made a motion to introduce on first reading, Ordinance Number 17-2013. 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 August 20, 2013.

ORDINANCES – SECOND READING AND FINAL ADOPTION.

Ordinance Number 14-2013: A Bond Ordinance Appropriating \$500,000 to Fund the Reconstruction of North Union Street, Phase III, From York to Delaware Avenue, Offset by a Grant from NJDOT In the Amount of \$155,000.

Mayor DelVecchio informed the members of the public present that this ordinance is to fund phase III of the North Union Street Reconstruction Project. The total funds is \$500,000 and the city is the recipient of grant funds in the amount of \$155,000 from State of New Jersey DOT.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 14-2013

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO NORTH UNION STREET IN AND FOR THE CITY, APPROPRIATING \$500,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$500,000 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 \$500,000, including a grant of \$155,000 to be received by the City on a reimbursement basis from the New Jersey Department of Transportation (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 \$500,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are improvements to the curbing, sidewalks, roadways and intersection on North Union Street from York Street to Delaware Avenue, as more fully set forth in the project summary dated May 10, 2013 prepared by the City Engineer and 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 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 20.00 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 \$500,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 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, including the State Grant, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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

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

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

Mayor DelVecchio opened the public hearing on Ordinance Number 14-2013 and asked for questions and/or comments from the public. There were no comments or questions.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 14-2013. Council President Stegman made a motion to close the public hearing on Ordinance Number 14-2013. Council woman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt Ordinance Number 14-2013 on second reading and final approval. Council President Stegman made a motion to adopt Ordinance Number 14-2013. Councilwoman Asaro seconded the reading. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

BIKE MS: Request for approval of the annual Bike MS Ride on Sunday, September 15, 2013 starting and ending at the Inn at the Lambertville Station. This bike tour anticipates participation from approximately 250 riders and volunteers includes a food permit and extends the issuance of alcoholic beverages to the parking lot.

Mayor DelVecchio asked Sergeant First Class O'Rourke to work with the Police Director on this request.

WEST AMWELL TOWNSHIP: Resolution Opposing JCP&L's Petition for a Rate Increase.

LAMBERTVILLE BRASS BAND: Request for approval for an outdoor concert at Bridge & Union Streets (Wells Fargo) on Sunday, July 28th from 3 – 4 pm.

LAMBERTVILLE CHAMBER OF COMMERCE: *Request for permission to let vendors/sponsors in the North Union Street Parking Lot stay up overnight on Saturday, as is approved for the Food Court for Shad Festival in 2014.*

Mayor DelVecchio asked Tom Martin to have Ellen Pineno prepare a proposal for Mayor and Council's review and consideration at the August meeting.

BEVERLY KERSHAW: *Request for approval of the annual Clinton Street Block Party, Saturday, August 3 from 3 – 11 pm at the corner of Perry and Clinton Streets. Requests is for trash and recycling containers and no parking signs to clear the lot at the dead end.*

Mayor DelVecchio asked for a motion to approve the request of Beverly Kershaw. Councilwoman Warner made a motion to approve the request of Beverly Kershal. Councilwoman Asaro 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: *Announcement of the 2014 State Aid Programs.*
Mayor DelVecchio asked the Clerk and the Acting Public Works Director to work with the City Engineer on the 2014 State Aid Programs.

UNFINISHED BUSINESS.

Update on Various Construction Improvement Projects.

City Hall: the clerk reported that the bonding company was billed for the work completed.

Construction Projects.

South Franklin & Weeden Street Drainage Project: the contractor hit rock and had to bring in additional equipment to help with the excavation for the drainage. The project is moving forward.

North Union Street Phase III: surveying began on Friday, July 12th.

York Street: This is a United Water project. The Clerk was asked for a schedule.

Cavallo Park: no discussion.

Miscellaneous – Nothing to report.

Update on projects for flood relief:

Swan Creek: Letter of intent was filed with FEMA.

Ely Creek Flood Gates: no discussion.

Update on various non-construction projects:

Shared Services

SHREC: Mayor DelVecchio informed the members of the public present that the solar project is moving forward at SHRHS, West Amwell Township and the West Amwell Elementary School.

SHRHS Regionalization Work Group: Nothing to report.

Garbage & Recycling: Mayor DelVecchio reported the following:

Recycling was down: 9% from 2012 but up 6% from 2011 Numbers. Garbage was up 1.36% from 2012 but down 5.6% from 2011. There is still room for improvement.

NEW BUSINESS.

Appointments & Resignations from Boards.

Mayor DelVecchio asked for a motion to accept the resignation of Audrey Frankowski and nominated the following to the Zoning Board of Adjustment: Jane Wesby – Alternate II (new appointment), term ending 12/31/2013, Sara Scully – Alternate I (moves up from Alternate II), term ending 12/31/2014, Fred Eisinger – Member (moves up from Alternate I), term ending 12/31/2013; and he also nominated the following appointment to the Historic Preservation Commission: Sarah Lechner as Alternate II, term ending 12/31/2015.

Council President Stegman made a motion to accept the resignation of Audrey Frankowski and to confirm the Mayor's nominations of Jane Wesby, Sara Scully and Fred Eisinger to the Zoning Board of Adjustment and Sarah Lechner to the Historic Preservation Commission. 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 – on hold.

RAGO ARTS AND AUCTION CENTER

Mayor DelVecchio welcomed Miriam Tucker, Chris Wise and Tom Martin of Rago Arts and Auction Center located at 333 North Main Street in the City of Lambertville to the meeting. He also recognized Sergeant First Class, Michael O'Rourke of the City of Lambertville's Police Department.

Mayor DelVecchio informed the members of Council and the public present that Rago Arts and Auction Center would like to apply to the State of New Jersey to auction antique firearm / handgun at 333 North Main Street in the City. He asked Miriam Tucker to explain how they would manage this.

Miriam Tucker provided a handout to Mayor and Council. She stated they have given much thought to the process and have a business plan which included the following:

- 333 North Main Street has an alarm,
- The antique firearm/handgun would be securely locked in cases,

- They would not be selling ammunition,
- Chris Wise and any other employee processing the sale of an antique firearm/handgun would be fingerprinted and have a background check completed. No other employees would have access to the antique firearm/handgun,
- They would require all purchasers of antique firearm/handgun, regardless of the type and even if it is not requirement under federal, national or state laws, to have two forms of ID which includes:
 - o State of New Jersey Firearms ID Card,
 - o State or Federal Issued Photo ID (Driver's License referenced)
- When shipping an antique firearm/handgun, to authorized dealers, they would follow the federal law which requires the dealers to be registered and use of Federal Express to track the shipment,
- Will maintain a log of an antique firearm/handgun sales which will include those shipped.

Ms. Tucker, a partner at Rago Arts and Auction Center, stated that this is the first step of the process. They need a letter from the City for their application to the New Jersey State Police. The next step is for the employees to pass the background checks and any other requirement as set by State Statute.

Mayor DelVecchio asked Sergeant First Class, Michael O'Rourke to give an overview of how the police handle the applications for the permit to carry. Sergeant First Class, Michael O'Rourke stated that it differs by the type of antique firearms being purchased. If it is an antique handgun, then it needs a permit to carry. If it is an antique rifle or shotgun, then it doesn't need a permit to carry. He also informed Mayor and Council that his research on this request shows that most antique firearms or replicas are not operable and are for collecting purposes only. The ammunition is not easily available to operate the antique firearms. He referenced the New Jersey Code of Criminal Justice and Motor Vehicle Laws, 2013 which defined antique guns as the following:

CHAPTER 39:

2C:39-1 Definitions:

- a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value."
- aa. "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition for which cartridge ammunition is not commercially available.

Council President Stegman expressed concern and asked Ms. Tucker of Rago Arts and Auction Center, to restate her commitment to the safe keeping and processing of the sale of antique firearms. Miriam Tucker stated that if approved, Rago Arts and Auction Center will not be selling ammunition and they are going above and beyond the Statute by requiring the purchasers of all antique firearms/handguns, regardless of the type, to have a State of New Jersey Firearms ID Card and State or Federal Issued Photo Identification Card (Driver's License). She confirmed and restated her commitment to the conditions previously mentioned.

Mayor DelVecchio asked if there were any questions from anyone. He then asked City Attorney Phil Faherty for his comments. Mr. Faherty said they need to go through a process as defined by the process. The background check is extensive. Mayor DelVecchio asked Sergeant First Class, Michael O'Rourke about the process. He commented that it is not just a reference check; they are finger printed, and use the federal, national and state data base to search for records. He said the definition of an antique fire arm is 1898 or used in famous battle or a replica. Chris Wise of Rago Arts and Auction Center stated that this type of antique firearm/handgun does not accept commercial ammunition or are inoperable.

Council President Stegman asked for something in writing. Mayor DelVecchio stated that the Zoning Officer's permit will include a definition. Sergeant First Class, Michael O'Rourke stated the permit should mirror the statute. Miriam Tucker commented that Rago Arts and Auction Center would be happy to provide whatever the City would require. Council President Stegman commented that one could sell firearms that are in working order. Mayor DelVecchio reiterated that they aren't selling ammunition and it is most common that black powder would be used, just like what is used during the reenactments.

Council President Stegman asked who certifies or confirms that the steps that are required to be taken have been followed. Sergeant First Class, Michael O'Rourke commented that the State Police would handle this. Chris Wise of Rago Arts and Auction Center stated that they would be subjected to an annual inspection as well as random inspections performed by the State Police. Sgt. O'Rourke stated that there are laws very specific to how and where they can display the antique firearms. They can't display them in a window.

Mayor DelVecchio asked if anyone from the public had any comments. He then asked if anyone from Council had comments. He asked City Attorney Faherty if he had any comments. Everyone indicated they were satisfied with the testimony provided.

Mayor DelVecchio thanked Miriam Tucker, Chris Wise and Tom Martin of Rago Arts and Auction Center for coming. Ms. Tucker asked what the next step was and Mayor DelVecchio said this meeting tonight was in lieu of the Planning Board and they could visit John Barczyk on Thursday and obtain their Zoning Permit, which will be issued condition upon the information provided this evening. He said he wanted this topic to be part of the record. He informed the members of the public present that he is a member of the "Mayors Against Illegal Guns." He

City of Lambertville

Regularly Scheduled Session

July 16, 2013, 6:30 p.m.

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

Minutes

Page 42

consulted Mayor Thomas M. Menino of Boston, MA on this topic when he was at a convention in Los Angeles.

Miriam Tucker thanked the Mayor and Council for their assistance with this process.

ANNOUNCEMENTS.

PHILLIP L. PITTORE JUSTICE CENTER BUILDING DEDICATION is scheduled for Wednesday, July 24, 2013 at 7 pm at 25 South Union Street.

SPECIAL ELECTION SCHEDULE:

August 13, 2013: Senate Primary. Polling Places open at 6 am and close at 8 pm.

September 24, 2013: Special Referendum for the School Boards. Tentatively scheduled. Polling Place hours is to be determined.

October 16, 2013: Senate Election. Polling Places open at 6 am and close at 8 pm.

November 5, 2013: General Election. Polling Places open at 6 am and close at 8 pm.

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.

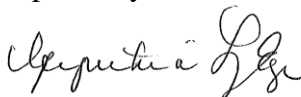
PUBLIC PARTICIPATION/PETITION OF CITIZENS AND PUBLIC DISCUSSION.

Council President Stegman asked the Clerk and the Acting Public Works Director to contact the State Department of Transportation regarding the median on Route 29 and request they plant grass seed instead of concrete.

ADJOURNMENT.

The meeting adjourned at 7:36 p.m. with a motion made by Council President Stegman and seconded by Councilwoman Warner. 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

This set of minutes was approved at the regularly scheduled session of Mayor and Council held on Tuesday, August 20, 2013.