



City of Lambertville
Regularly Scheduled Session
Tuesday, July 15, 2014, 6:30 P.M.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville, NJ
MINUTES

STATEMENT OF COMPLIANCE.

Mayor DelVecchio opened the meeting at 6:30 p.m. with a statement of compliance with the open public meetings act. The Annual meeting notice was advertised in the Beacon on January 9, 2014 and sent to the Times, the Democrat and the Herald. The monthly meeting notice was emailed on Friday, JULY 11, 2104 to the Beacon, the Democrat, the Times; the agenda was posted to the bulletin board at city hall, the website at www.lambertvillenj.org; and notice was emailed to various people on the list serve, inclusive of department heads, city attorney and city engineer.

ROLL CALL.

Mrs. Ege called the roll as follows:

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

Absent: None.

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

PLEASE NOTE: Mayor and Council will go into closed session at 6:30 PM and reopen to the public at 7 PM.

RESOLUTION

“Authorizing a Closed Session at the July 15, 2014 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 15, 2014, 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.

Council President Stegman made a motion to go into closed session. Councilwoman Warner seconded the motion. An affirmative voice vote of ayes was taken in favor of the motion by all members present. MOTION CARRIED. Mayor DelVecchio and City Council convened in closed session at 6:30 p.m.

Council President Stegman made a motion to re-convene the open session. Councilwoman Asaro seconded the motion. An affirmative voice vote of ayes was taken in favor of the motion by all members present. MOTION CARRIED. Mayor DelVecchio and City Council re-convened in regular session at 7 p.m.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

APPROVAL OF MINUTES AND ADMINISTRATIVE REPORTS.

Council President Stegman made a motion to approve June 24th Regularly Scheduled Minutes, the June 24th Closed Session Minutes and the following administrative reports: Tax Collector – Cynthia McBride, Municipal Court Administrator – Barbara Halper, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk, Police Director – Bruce Cocuzza, Police Department’s Annual Report for 2013, 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.

Councilwoman Warner made a motion to approve the bills list and the addendum to the bills list submitted for approval by the CMFO. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS – none.

RESOLUTIONS.

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

Mayor DelVecchio informed the members of the public present that the following resolutions are on the consent agenda for approval: 95-2014, 96-2014, 97-2014, 98-2014 and 99-2014, 100-2014 and 101-2014.

Resolution Number 95-2014: *A Resolution to Authorize the Contract for the Resurfacing of the North Union Street Parking Lot in the Amount of \$12,414.20 to Top Line Construction, LLC.*

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A Resolution to Authorize the Contract With Top Line Construction Corp In the Amount of \$12,414.20 for the North Union Street Parking Lot Resurfacing Project.

WHEREAS, the City of Lambertville advertised the 2014 Road Projects and on May 28, 2014, the City received two bids which were opened and read aloud, and

WHEREAS, the projects will be funded by Ordinance Number 14-2013 and Ordinance Number 03-2014, and

WHEREAS, the City of Lambertville requested quotes for the resurfacing of the North Union Street Parking Lot, and

WHEREAS, two contractors provided quotes as follows:

A-Team Concrete, Inc., in the amount of \$22,179.50, and

Topline Construction Corp., in the amount of \$12,414.20

WHEREAS, the City Engineer has reviewed the proposals and recommends awarding the contract to Topline Construction Corp. under change order number 1 for proposal b of the 2014 Road Projects Bid, and

WHEREAS, the City CMFO has certified that funds are available in Ordinance Numbers 03-2014 and 14-2013, and

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 Top Line Construction Corp is hereby authorized in an amount not to exceed \$12,414.20.

ADOPTED: July 15, 2014

Resolution Number 96-2014: A Resolution to Approve the One Day Special Event of the Lambertville Hall Foundation Scheduled for August 12th to Reintroduce the Community to the Building Post-Renovation, to Thank those that helped facilitate the initial discussions, and to view the Local Mill Makes Good: Celebrating 75 Years of American Theater at the Bucks County Playhouse.

City of Lambertville

RESOLUTION NUMBER 96-2014

A Resolution to Authorize the Request from the Lambertville Hall Foundation for A Special Event on August 12, 2014

WHEREAS, the City of Lambertville's Zoning Ordinances, section 400.10, Temporary Uses, requires approval from City Council for a permit for a special event, and

WHEREAS, the Construction Official and the Zoning Officer have reviewed their request, and

WHEREAS, the Lambertville Hall Foundation would like to hold a special event on August 12 to reintroduce the community to the building, thank those that helped facilitate the initial discussions, and to view the "Local Mill Makes Good: Celebrating 75 Years of American Theater at the Bucks County Playhouse," and

WHEREAS, the request is to increase their occupancy from 49 to 100 people for this event.

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 request received from the Lambertville Hall Foundation for approval of their special event scheduled for August 12 is hereby approved.

ADOPTED: July 15, 2014

Resolution Number 97-2014: A Resolution in Response to the State of New Jersey, Department of Transportation's Request, Supporting the Existing No Passing Zone on Route 29.

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City of Lambertville
County of Hunterdon
Cynthia L. Ege
CMR, RMC, City Clerk
City of Lambertville
18 York Street
Lambertville, NJ 08530
City of Lambertville
RESOLUTION NUMBER 97-2014

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation of Route 29 in the City of Lambertville, and
WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 29 meet and conform to current design standards; and
WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along US/NJ Route 29.
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 it supports the use of a “No Passing Zone” on Route 29 in the City of Lambertville as recommended by NJDOT.
BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to NJDOT as requested.

David M. DelVecchio, Mayor

Cynthia L. Ege, CMR, RMC, City Clerk
ADOPTED: July 15, 2014

Resolution Number 98-2014: A Resolution Authorizing the Mayor and Planning Board Chairperson to Sign the Recreation and Open Space Inventory for Green Acres for the Purchase of the McCann Property.

City of Lambertville
RESOLUTION NUMBER 98-2014
A Resolution to Authorize the Mayor and Planning Board Chairperson to Sign the ROSI for Submittal to Green Acres

WHEREAS, the City of Lambertville has applied to Green Acres to assist with funding for the purchase of the McCann Property and the renovations at Cavallo Park, and
WHEREAS, the application requires the City to prepare a Recreation and Open Space Inventory which lists all property owned and/or leased by the City of Lambertville for recreational and open space purposes.
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 Mayor and Planning Board Chairperson are hereby authorized to sign the ROSI for submission to Green Acres.
ADOPTED: July 15, 2014

Resolution Number 99-2014: A Resolution Supporting the Drive Sober or Get Pulled Over 2014 Statewide Campaign

City of Lambertville
RESOLUTION 99-2014

Drive Sober or Get Pulled Over 2014 Statewide Campaign

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and
Whereas, 25% of motor vehicle fatalities in New Jersey are alcohol related; and
Whereas, an enforcement crackdown is planned to combat impaired driving; and
Whereas, the holidays are traditionally a time of social gatherings which often include alcohol; and
Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout New Jersey to participate in the *Drive Sober or Get Pulled Over Statewide Crackdown Grant*; and
Whereas, the project will involve increased impaired driving enforcement from August 15, 2014 through September 1, 2014; and
Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;
Therefore, be it resolved that the City of Lambertville declares its support for the *Drive Sober or Get Pulled Over 2013 Holiday Crackdown* from August 15, 2014 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving.

ADOPTED: July 15, 2014

Resolution Number 100-2014: A Resolution Requesting \$72,000 from the LMUA:

City of Lambertville
RESOLUTION 100-2014

"Resolution Requesting \$72,000, from the Lambertville Municipal Authority"

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

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

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

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

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

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WHEREAS, the City of Lambertville has anticipated the Lambertville Municipal Authority appropriation of \$72,000 as a Special Item of Revenue in the proposed 2014 municipal budget;

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 does hereby request that the Lambertville Municipal Authority transfer \$72,000 to the City of Lambertville.

Adopted: July 15, 2014

Resolution Number 101-2014: A Resolution to Appoint Millennium Strategies as the Municipal Administrative Agent for COAH.

City of Lambertville
Resolution Number 101-2014
City of Lambertville, County of Hunterdon

WHEREAS, *City of Lambertville* was granted substantive certification of its Housing Element and Fair Share Plan by the Council on Affordable Housing (COAH) on February 17, 2009; and

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the “Act”) the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the “Rules”); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Municipality has selected *Millennium Strategies* to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality, as included in this resolution; and

WHEREAS, The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of City of Lambertville and the provisions of N.J.A.C. 5:80-26.15;

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- (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
 - (c) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of City of Lambertville when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

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- (4) Resale and rental
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
 - (a) Securing lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.

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- (7) Records received, retained, retrieved, or transmitted in performance of these administrative duties may constitute public records of City of Lambertville as defined by N.J.S.A. 47:3-16, and are legal property of City of Lambertville. The Administrative Agent named in this resolution must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

The *City of Lambertville* has identified the following as public records, subject to the above-cited provisions:

0120-0000	Affordable Housing Project File
0120-0001	Affordable Housing Project File-Approved
0120-0002	Affordable Housing Project File-Denied/Withdrawn
0120-0003	Affordable Housing Project File-Referral List
0112-0000	Affordable Housing Application File-Individual
0121-0002	Affordable Housing Application File-Certification Denied or Expired
0122-0000	Affordable Housing Unit File
0122-0001	Affordable Housing Unit File-Mailing Notification of Responsibilities
0123-0000	Affordable Housing Unit Inventory
0124-0000	Affordable Housing Trust Fund and/or Regional Contribution Agreement (RCA) Bank Account
0125-0000	Enforcement File-Projects and Units
0126-0000	Monitoring Reports-Annual Submission
0127-0000	Operations Manual

Although the State has used its best efforts to identify all records which qualify as public records, the State reserves the right to amend the above list from time to time as warranted.

- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of *City of Lambertville* in the County of Hunterdon, and the State of New Jersey that Millennium Strategies is hereby appointed by the Governing Body of City of Lambertville as the Administrative Agent for the administration of the affordable housing program.

Cynthia L. Ege
Municipal Clerk

Mayor DelVecchio asked for a motion to approve the resolutions on the consent agenda. Council President Stegman made a motion to approve the resolutions on the consent agenda.

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 20-2014: An Ordinance to Amend Ordinance Number 2009-20, Changing the language to reflect “Collective Bargaining Agreement.”

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance is to correct the language in Ordinance Number 2009-20 and make a generic reference to the Collective Bargaining Agreement.

City of Lambertville
ORDINANCE 20-2014

“An Ordinance to Amend Ordinance Number 2009-20, Letter f, the Reference for the PBA”

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 letter f of Ordinance Number 2009-20 is hereby amended to read:

f. The charge for such serves shall be based on the hourly rates as established annually by the current Collective Bargaining Agreement. Such rate shall include the hourly rate of the officer working plus a sum representing a reasonable approximation of the administrative cost, overhead and out of pocket expenses for equipment and supplies to the City of providing the service and shall be equal to 30% of the hourly rate established. All payments for such services shall be made to the City of Lambertville.

INTRODUCED: July 15, 2014
PUBLIC HEARING: August 19, 2014

Mayor DelVecchio asked for a motion to introduce on first reading, Ordinance Number 20-2014. Councilman Sanders made a motion to introduce Ordinance Number 20-2014. 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 19, 2014.

Ordinance Number 21-2014: A Bond Ordinance to Amend Ordinance Number 12-2013 in the Amount of \$765,000, Adding \$210,000 to Pay the Balance Due to Mr. McCann and Five Investors, As Awarded by the Superior Court of the State of New Jersey. This Bond Ordinance will be refunded by grants and loans from the State of New Jersey Department of Environmental Protection Under the Green Acres Program, Through the Open Space Tax of the City of Lambertville and from the banked Open Space funds with Hunterdon County.

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that the City took ownership of the property through eminent domain. When this process occurs, the value of the property, determined by an appraisal is placed in a trust account with the State of New Jersey. The Court appoints people to serve on a jury and they determine the final amount. This Court determined the value to be \$910,000. Both the City and Mr.

McCann and his five investors appealed the decision. The Judge overseeing the case ordered both parties to settle. If the City continued with this process, additional engineering would be required and our professionals were not confident that the City would win. We had a discussion with Pam Thier of Green Acres and she informed us that the City would qualify for additional funds up to the \$910,000 value, however, she was not sure in what funding year the money would be available. It would be a 50% loan and 50% grant. Hearing that, we felt it was in the best interest of our community to settle at a value of \$925,000.

Additional funding sources include \$182,090.83 from the banked Open Space Tax of Hunterdon County and funding from the City's Open Space Tax.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 21-2014

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AMENDING ORDINANCE 12-2013 IN ITS ENTIRETY TO PROVIDE FOR THE ACQUISITION OF THE McCANN PROPERTY IN AND FOR THE CITY, APPROPRIATING \$975,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$975,000 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. Bond Ordinance 12-2013, finally adopted June 18, 2013 (the "Prior Ordinance") is hereby amended in its entirety to read 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 \$975,000, including a grant of \$220,000 to be received by the City on a reimbursement basis from the Green Acres Program within the New Jersey Department of Environmental Protection (the "State Grant") and a grant of \$182,090 from the County of Hunterdon's Open Space Trust Fund (the "County 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 \$975,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

"Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes is the acquisition of the McCann Property, being Block 1097, Lot 7.01 and Block 1002, Lot

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64 on the tax maps of the City, and including all costs associated with the acquisition of the same, including legal, recording, appraisal and investigation costs and including all work and related materials necessary therefor or incidental thereto.

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

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

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

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

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 40.00 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$975,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 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

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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 and the County 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."

Section 2. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio asked if there were any questions from the public. He then asked for a motion to introduce on first reading, Bond Ordinance Number 21-2014. Council President Stegman made a motion to introduce Ordinance Number 21-2014 on first reading. 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 19, 2014.

Ordinance Number 22-2014: An Ordinance to Codify the General Ordinances of the City of Lambertville Last Codified in 2002. Please note: the Codification of the Zoning Ordinances will take place under separate cover and will follow the process as is outlined in the Municipal Land Use Law.

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public that this ordinance will codify the general ordinances of the City of Lambertville. The Zoning Ordinances are still in process and will follow the method prescribed in the Municipal Land Use Law.

He further informed the members of the public that this forced the City to review the language in the prior ordinances and updates references to State Statues, removes duplications and provides for a uniformity in titles. He said once adopted, the general ordinances will be available online.

City of Lambertville
ORDINANCE 22-2014

"An Ordinance to Codify the General Ordinances of the City of Lambertville, Last Updated in December of 2002"

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WHEREAS, the City of Lambertville last codified the general ordinances of the City of Lambertville through December 31, 2002, and

WHEREAS, the City adopted a special emergency to fund the codification of the general ordinances and the zoning ordinances of the City of Lambertville, Ordinance Number 21-2013, in the amount of \$18,050, to be provided for in full in the budgets of the next succeeding years by the inclusion of not less than \$3,610 for the next five years, and

WHEREAS, the amendments and revisions to the ordinances as suggested by Coded Systems LLC, has been reviewed and discussed with the City Attorney, the City Engineer, the Police Director, the Acting Public Works Director, the Sub Code Official, the Fire Safety Sub code Official, the Court, and Mayor and Council, and

WHEREAS, such amendments include:

1. The construction of the code to establish a code format and reference numeration system,
2. Addition of the editor's note,
3. Inclusion of Statutory References and updating them where necessary,
4. Updating fines and penalties as suggested by Coded Systems LLC and when necessary the department head,
5. Changing all references from Police Chief to Police Director throughout the general ordinances,
6. Changing all references from Director of Finance to Department of Finance,
7. Deleting references to all old codes as they pertain to the first organization of new committees,
8. Changing all references from PBA Local Number 188 to current Collective Bargaining Agreement,
9. Updates the fees for the Lambertville Police Department and references to OPRA,
10. Changes the references from the Lambertville Sewerage Authority to the Lambertville Municipal Utilities Authority,
11. Adds County of Hunterdon under the Mutual Aid Agreement for Supplemental Police Protection,
12. Revises the Police Regulations to reflect references to statutes, and current law,
13. Removes all duplication under general licensing,
14. Updates the Alcoholic Beverage Control licenses to total licenses by type and references to current statutes,
15. Increases all minimum fines (snow emergency, etc.) in traffic from \$13 to \$25, which is consistent with fees charged for street sweeper violations,
16. Animal Control: revised to comply with statutory provisions under NJSA 4:19-15.1 and removes the references to "Violations Bureau,"
17. Building and Housing has been reviewed and a provision was added allowing the Mayor and Council members to issue waivers from construction permits when residents are impacted by a natural disaster such as a flood, and to comply with current statutes,
18. Alarm Systems has been reviewed by the Fire Safety Sub code Official and under his recommendation, the fees have been amended to reflect current values as outlined in the State Statutes (see attached),
19. Streets and Sidewalks has been reviewed by the City Engineer for compliance issues and references changed where necessary to ensure full compliance with State Statutes and ADA,
20. References in the general ordinances to the Director of Public Works have been changed from Director of Public Works, Parks and Public Property to Director of Public Works,
21. Amends the Board of Health Ordinances, removing the Public Nuisance Code of 1953, which the New Jersey Superior Court Appellate Division held violates due process because they are unconstitutionally vague, and revises statutory references to the most recent edition as provided in the State Sanitary Code.

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 amendments as recommended by Coded Systems and the staff of the City of Lambertville to the general ordinances are hereby authorized.

BE IT FURTHER RESOLVED that the General Ordinances of the City of Lambertville, last codified in December of 2002, are hereby revised as recommended, and will be available in hardcopy in the Clerk's Office and online.

INTRODUCED: July 15, 2014

PUBLIC HEARING: August 19, 2014

Mayor DelVecchio asked if there were any questions from the public. He then asked for a motion to introduce on first reading, Ordinance Number 22-2014. Council President Stegman made a motion to introduce on first reading Ordinance Number 22-2014. Councilman Sanders 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 19, 2014

ORDINANCES – SECOND READING AND FINAL ADOPTION.

Ordinance Number 14 -2014: An Ordinance to Amend Chapter VIII, Article III, 8-29, Rules and Regulations, Amending the language to permit property owners to purchase a parking permit when they are part-time Lambertville residents.

Mayor DelVecchio read Ordinance Number 14-2014 into the record by title. He informed the members of the public present that this ordinance is to amend the language to permit a property owner who resides in the City on a part-time basis and lives on a street with meters to purchase a parking permit.

City of Lambertville

Ordinance 14-2014

An Ordinance to Amend Chapter VIII, Article III, 8-29, Rules and Regulations

8-29 RULES AND REGULATIONS.

- I. APPLICATION FORM: The application for a permit shall have appended thereto an attestation by the applicant affirming that:
 - a. The applicant is a resident of the City of Lambertville;
 - b. There is no available driveway or garage at the applicant's residence; and
 - c. There is no other free and legal off-street parking available for the vehicles for which the permit is sought within one (1) block of the applicant's resident.
- II. TERM FOR PERMIT: Each residential parking permit shall be valid from January 1 to December 31 and shall be renewable upon expiration provided the conditions for issuance continue to exist.
- III. DISPLAYING OF PERMIT: Each permit shall be issued with a corresponding sticker to be affixed on the rear window, driver's side, and lower left-hand corner of the motor vehicle. Each sticker shall contain a number corresponding to the permit and shall show the street address of the resident on its face.

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- IV. REVOKING OF PERMITS: Permits shall automatically be revoked if the vehicle ceases to qualify or if the permit is affixed to a vehicle other than the one so designated on the application. Vehicles with revoked stickers will be subject to the same penalty as a vehicle parked in a similar location without a permit.
- V. EXEMPT FROM METER FEES: All vehicles properly displaying a valid residential parking permit shall be exempt from paying any meter fee and from the time limits imposed by signage on the street on which their residence is located. The permit shall not be valid in any City owned lot. (Ord. #87-10, paragraph 2; Ord. #88-30, paragraphs 2, 3; Ord. #90-01, paragraph 5; Ord. #2001-11)
- VI. APPLICATION TYPES: The resident parking permit (“permit”) shall be issued under the following regulations and rules:
- i. PERMANENT RESIDENT: A completed application with the following information is required for a permanent Lambertville resident. If you are a licensed driver relocating to New Jersey from another state, you need to change titles and registration for all vehicles currently titled and registered in another state. You must register your vehicles within 60 days or before your out-of-state registration expires (whichever is first).
- a. A valid, current State of New Jersey driver’s license.
 - b. A valid State of New Jersey motor vehicle registration for the vehicle for which the permit is sought, which must include the applicant’s Lambertville address.
 - c. The resident parking permit (“permit”) shall be issued under the following regulations and rules:
 - d. A valid vehicle insurance card.
 - e. Lease or deed for the residence, which proves residency and reflects off street parking is not available.
 - f. RESIDENT PARKING PERMIT TYPES AND FEES: There are two types of resident parking permits and they include: a permanent fixable single car permit, and a Transferable Multi-Car permit.
 - i. *Permanent Single Car Permit*: shall be issued to the resident upon payment of a fee of forty-five (\$45) dollars. Permanent Single Car Permits are not transferable and shall automatically be revoked in the event a holder ceases to be a resident of the City of Lambertville.
 - ii. *Transferable Multi-Car Permits*: may be transferred between a personal vehicle and a company vehicle and may be issued upon documentation presented to the City Clerk for a fee of sixty (\$60) dollars.
 - g. ISSUANCE OF TEMPORARY PERMITS FOR RESIDENT PARKING: Upon the payment of the required annual fee, Temporary Permits may be issued for a period of 60 days to allow newly relocated resident(s) to obtain the necessary New Jersey Vehicle License and Registration. The City Clerk is authorized to extend the temporary permit an additional 30 days for a total period of time not to exceed **A TOTAL OF 90** days if the registration is for a leased vehicle. The applicant must supply proof that the proper paperwork was filed with the Motor Vehicle Commission of the State of New Jersey in order for the City Clerk to consider the request for extension.
- ii. PART-TIME RESIDENT: A completed application with the following information is required for a part-time Lambertville resident who is not eligible to hold a New Jersey driver’s license:
- a. A valid, current driver’s license for the permanent residence

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- b. A valid motor vehicle registration for the vehicle for which the permit is sought for the permanent residence.
 - c. A valid vehicle insurance card in the name of the homeowner or lease with the address of the permanent residence.
 - d. Lease or deed for the Lambertville residence, which proves ownership or a lease-holding interest in the property and reflects off-street parking is not available.
 - e. A certification of the following:
 - i. That the applicant has established permanent residency in another state,
 - ii. That the vehicle is not principally garaged in Lambertville for more than six months a year;
- iii. TEMPORARY NON RESIDENT PARKING PERMITS: Temporary Permits may be issued for a period not to exceed two weeks or 14 days for a fee of \$25. Temporary permits are available for the following:
- a. Visitors of property owners who reside on a metered street.
 - b. House Sitters or Pet Sitters of property owners who reside on a metered street.
- The following information is required for the issuance of a temporary permit:
- a. Property Owners need to provide a notarized letter covering the period of time the visitor or house guest stay,
 - b. A copy of the property owner's drivers' license tying them to the property,
 - c. And payment in the amount of \$25 for the temporary permit.
- iv. DUPLICATE PERMIT: In the event that a permit is lost, stolen or damaged, the fee for a duplicate permit or a permit for a new vehicle shall be twenty-five (\$25.00).
- v. PRO-RATING: There shall be no monthly prorating for the permit regardless of the permanent or temporary status. (Ord. #2010-03)

INTRODUCED: June 24, 2014
PUBLIC HEARING: July 15, 2014
ADOPTED:

Mayor DelVecchio opened the public hearing on Ordinance Number 14-2014. He asked for questions or comments from the public.

Since the public had no questions, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 14-2014. Council President Stegman made a motion to close the public hearing on Ordinance Number 14-2014. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt Ordinance Number 14-2014 on second reading. Council President Stegman made a motion to adopt Ordinance Number 14-2014. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 16-2014: An Ordinance to Amend Article VII, Leave of Absence of the Staff Handbook of the City of Lambertville (to comply with changes in State of New Jersey Statutes governing the Family Leave Act and Domestic Violence Leave).

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance is to amend the language in the staff handbook by updating the Family Leave Act and including Domestic Violence Leave.

City of Lambertville

ORDINANCE NUMBER 16-2014

An Ordinance to Amend Article VII, Leave of Absence of the Staff Handbook of the City of Lambertville
Ordinance Number 16-2014 amends Article I, Leave of Absence, Section II, Family and Medical Leave Act Policy, and Adds Section VI, Domestic Violence Leave.

This ordinance is intended to comply with State Statutes governing the Family and Medical Leave Act.

LEAVE OF ABSENCE

II. FAMILY AND MEDICAL LEAVE ACT POLICY

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with [the local unit type]; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The (local unit type) reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the (Personnel Administrator title).

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Commencing July 1 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in one day increments, necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the (local unit type) with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the (local unit type) with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) weeks in a year to care for a family member on active duty in the military workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member of the National Guard or Reserves is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran’s active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or

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3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any one of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

VI: DOMESTIC VIOLENCE LEAVE

The New Jersey Security and Financial Entitlement Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

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To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the (local unit type) will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The (local unit type) shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The (local unit type) shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

Introduced: June 24, 2014

Public Hearing: July 15, 2014

Mayor DelVecchio opened the public hearing on Ordinance Number 16-2014 and he asked if there were any questions or comments from the public.

Since the public had no comments or questions, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 16-2014. Council President Stegman made a motion to close the public hearing on Ordinance Number 16-2014. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt Ordinance Number 16-2014 on second reading and final approval. Councilwoman Warner made a motion to adopt Ordinance Number 16-2014 on second reading and final approval. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 17-2014: An Ordinance to Create a LGBT Task Force.

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will create the Lambertville Human Rights Council. He said that this ordinance will help to preserve equality for all in our city and noted that the references to the school have been changed to reflect the South Hunterdon Regional School District. Mayor DelVecchio said that this is an important issue but the current governing body may not always be here and this will codify and ensure that our community members are always treated in the same basic fashion as they are today. He acknowledged Council President Stegman and Councilwoman Asaro's efforts in working together and writing this ordinance.

City of Lambertville

ORDINANCE NUMBER 17-2014

An Ordinance to Establish the Lambertville Human Rights Council

The City of Lambertville Human Relations Council (LHRC)

Demographics

At the 2010 United States Census, there were 3,906 people, 1,958 households, and 896.8 families residing in the city. The population density was 3,386.1 inhabitants per square mile. There were 2,075 housing units at an average density of 1,798.8 per square mile. The racial makeup of the city was 91.30% (3,566) White; 1.95% (76) Black or African American; 0.20% (8) Native American; 1.31% (51) Pacific Islander; 4.12% (161) from other races, and 1.13% (44), from two or more races. Hispanic or Latino of any race 9.75% (381) of the population. The 2010 United States Census also captured the number of same-sex couples and unmarried couples in the City of Lambertville. In fact same sex couples accounted for 53.5% of all unmarried couples.

Over the past 20 years, the City of Lambertville has grown to recognize the positive socio-economic contributions made by members of the LGBT community. The City of Lambertville's acceptance of diversity and acceptance regardless of race, color, religion, national origin, ethnicity, sexual orientation, gender or disability is widely known throughout the State of New Jersey. In 2007, the Mayor officiated New Jersey's first Civil Union. Then in 2013, the Mayor officiated New Jersey's first Same Sex Marriage and the ceremony was beamed around the world.

The national and global recognition of acceptance of people from many diverse backgrounds comes with a responsibility. It is a responsibility to protect what we have all worked so hard to achieve.

Mission

The **City of Lambertville Human Relations Council (LHRC)** shall promote education regarding living in a diverse community and address any problems of intimidating or violent acts, which may be committed because of the group to which citizens may belong or identify with.

Purpose

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

Council established; appointment; compensation; terms; vacancies.

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The **City of Lambertville Human Relations Council (LHRC)** will consist of a total of nine (9) members, from both the public and private sector, and is hereby established in the City of Lambertville. The members of the **City of Lambertville Human Relations Council (LHRC)** shall be appointed by the Mayor, with the advice and consent of the Lambertville City Council.

Public Sector Members:

- 1) The Mayor of the City of Lambertville, or his or her representative, to run concurrent with the Mayor's 3 year term;
- 2) The President of the Lambertville City Council, or his/her representative, for a one year term;
- 3) The Police Director of the City of Lambertville, for a one year term;
- 4) The Director of Public Assistance of the City of Lambertville, for a three year term concurrent with the Mayor's 3 year term;
- 5) The President of Board of Education from the South Hunterdon Regional School District, or his/her representative, for three year term concurrent with their term;
- 6) The Chairperson of the Lambertville Free and Public Library, or his or her representative, for a one-year term.

Private Sector Members:

- 7) A resident of the City of Lambertville for a 2-year term;
- 8) A resident of the City of Lambertville for a 3-year term;
- 9) A resident of the City of Lambertville for a 5-year term.

The Clerk of the City of Lambertville will be an adjunct non-voting member.

All members of the LHRC shall serve without compensation.

Chairman; officers

One (1) of said members shall be appointed by the Mayor as Chairperson.

The City of Lambertville Human Relations Council (LHRC) may have such other officers, as it deems necessary.

Meetings

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

The **City of Lambertville Human Relations Council (LHRC)** will meet a minimum of 2 times in any given calendar year, inclusive of the reorganization meeting.

Records; annual report

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

Introduction and First Reading: June 24, 2014

Public Hearing and Second Reading: July 15, 2014

Mayor DelVecchio opened the public hearing on Ordinance Number 17-2014 and asked for any comments or questions from the public.

Since the public had no questions or comments, Mayor DeVecchio asked for a motion to close the public hearing on Ordinance Number 17-2014. Councilwoman Warner made the motion to adopt on second reading Ordinance Number 17-2014. Council President Stegman seconded the motion. An affirmative roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Mayor DeVecchio asked for a motion to adopt on second reading and final approval, Ordinance Number 17-2014. Councilwoman Warner made a motion to adopt on second reading and final approval, Ordinance Number 17-2014. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 18-2014: An Ordinance to Amend the Ordinance Number 2009-07 Development Fees.

Mayor DeVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance is to outline and clarify the process for the development fees and creates a form to use in the process.

City of Lambertville
ORDINANCE NUMBER 18-2014

An Ordinance to Amend Ordinance 2009-07 'Development Fees'

6. Collection procedures
 - a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 - b) Use of Forms
 - i. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
 - ii. For all residential development. The developer shall be provided with a copy of the *Development Fee for Affordable Housing* form from the City. The developer shall complete sections A through D and sign the form. The developer shall provide the form to the municipal tax assessor for completion of the assessment portion of the form.
 - c) Within 10 days of receipt of the *Development fee for Affordable Housing* form from the developer, the municipal tax assessor, based on the plans filed and estimated construction costs, shall provide an estimate of the equalized assessed value of the development. The tax assessor shall receive payment of the development fee and record it on the *Development Fee for Affordable Housing* form and forward it to the Construction Official
 - d) The developer is responsible to ensure the completed *Development fee for Affordable Housing* form is included with the permit application. No application for a Construction Permit for new development under this ordinance shall be deemed

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complete without the submission of a completed *Development fee for Affordable Housing* form.

- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee and return the *Development fee for Affordable Housing* form to the tax assessor.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee due and include that amount on the *Development fee for Affordable Housing* form. The tax assessor shall sign the form upon receipt of the final payment and return the form to the Construction Official.
- g) Should Lambertville fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

Introduced: June 24, 2014
Public Hearing: July 15, 2014

Mayor DelVecchio opened the public hearing on Ordinance Number 18-2014 and asked if there were any questions or comments from the public.

Emily Goldman, the City Planner, commented that this ordinance adds a form to the process.

Mayor DelVecchio thanked the City Planner for her comment and asked if there were any additional questions or comments. There being no additional questions or comments from the public, he asked for a motion to close the public hearing on Ordinance Number 18-2014. Councilwoman Warner made a motion to close the public hearing on Ordinance Number 18-2014. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval, Ordinance Number 18-2014. Councilwoman Warner made a motion to adopt Ordinance Number 18-2014 on second reading and final approval. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Number 19-2014: An Ordinance to Amend the Administrative Code of the City of Lambertville, Establishing Section 4-10, Good of Public Order.

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will amend the Administrative Code of the City of Lambertville to include a provision regarding urinating in defecating in public.

City of Lambertville
ORDINANCE 19-2014

“An Ordinance to Amend the Administrative Code of the City of Lambertville, Establishing Section 4-10, Good of Public Order.”

WHEREAS, it is the desire that an Ordinance be established to set for the Laws and Regulations in which are to be enforced by any member of the City of Lambertville Police Department; and

WHEREAS, the City of Lambertville wishes to ensure additional public safety and public decency throughout the City; and

NOW THEREFORE BE IT RESOLVED, by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey, that the following be added to the Administrative Code, Chapter VI, Police Regulations, Section 4-10: Good of Public Order.

Chapter VI
Police Regulations

Section 4-10: Good of Public Order

Section 4-10: Urinating in Public

It is unlawful to urinate or defecate in any public area, public place or within view of the public.

Section 4-10.1: Violations and Penalties.

Any person adjudged guilty of a violation of the provisions of this article shall, upon conviction thereof in the Municipal Court, be punished by fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community services for not more than 90 days, at the discretion of the Court.

Section 4-10.2: By Whom Enforceable.

The provision of this Chapter, in addition to other methods of enforcement provided by law, may be enforced by the issuance of a Notice of Violation by any member of the Police Department.

Section 4-10.3: Exemptions.

The enforcement provisions of this ordinance shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:

- (a) Children ten years of age or younger;
- (b) Persons of any age who violate this ordinance due to a verified medical and/or psychiatric condition.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining portions or sections of this Ordinance shall remain in full force and effect.

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which judgment shall have been rendered.

City of Lambertville
Regularly Scheduled Session
July 15, 2014, 6:30 p.m.
Justice Center, 25 South Union Street, Lambertville
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This Ordinance shall take effect twenty (20) days after final passage and publication according to law, except as provided for in N.J.S.A. 40:69A-181 or N.J.S.A. 40:74-4.

INTRODUCED: June 24, 2014
PUBLIC HEARING: July 15, 2014

Mayor DelVecchio opened the public hearing on Ordinance Number 19-2014 and asked for public comments.

Council members expressed their support for the need of this ordinance.

Mayor DelVecchio asked for additional comments from the public. Since the public had no comments or questions, he asked for a motion to close the public hearing on Ordinance Number 19-2014. Councilwoman Warner made a motion to close the public hearing on Ordinance Number 19-2014. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading and final approval for Ordinance Number 19-2014. Council President Stegman made a motion to adopt on second reading and final approval, Ordinance Number 19-2014. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

BOROUGH OF FLEMINGTON: A Resolution Concerning the Communication Policy of the Flemington-Raritan Regional School District Board of Education.

TOWNSHIP OF WEST AMWELL: An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – Environmental Features.

COUNTY OF HUNTERDON: Proclamation Regarding Fibro dysplasia Ossificans Progressiva.

RIVER QUEEN ARTISAN’S GALLERY: Request to close Church Street on August 9th (Rain date: August 10th) from 12 to 5 pm for a Street Fair.

Mayor DelVecchio asked the representative from the River Queen Artisan Gallery for the proposed road closure. She said from Main to Union Street. Council President Stegman said he would like to see Gordon’s Alley through to George Street open. Council President Stegman asked if they wanted to ban parking on Church Street for the event. She said they would like to have their art and tables in the street. Council President Stegman asked that if they did that, they visit the Police Director and pay for the parking spaces. Council President Stegman informed the representative from River Queen Artisan’s Gallery if they would be selling food they would need a food license. He further informed her that alcohol was not permitted in the Street and they would need to notice the property owners, businesses and residents of the event so that they could plan appropriately.

Councilwoman Warner made a motion to approve the request of River Queen Artisan Gallery to close Church Street on August 9th with a rain date of August 10th from 12 to 5 pm for a Street Fair, closing Church Street from Union to George and then from George to Main Street to permit the flow of traffic and requiring notice to property owners, renters and businesses along the street so that they can plan appropriately. Councilwoman Asaro seconded the motion. An affirmative/opposing roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Stegman commented that it was a great idea for the Church Street businesses.

UNFINISHED BUSINESS.

Update on Various Construction Improvement Projects.

Construction Projects: The bids for the North Union Street, Phase III and the Cottage Hill Resurfacing Project were awarded on June 24th. A preconstruction meeting is scheduled for Thursday, July 24th at City Hall. The projects need to be complete by October of this year. The residents will be notified with a letter from the contractor.

The bid for the North Union Street Parking Lot Resurfacing Project was awarded tonight to Top Line. The residents will be notified of the construction schedule.

Upper York & Washington Streets: the City Engineer is in the process of preparing the schedule which will include the proposed bid dates, award dates and a proposed construction schedule.

Update on projects for flood relief:

Swan Creek – the grant was submitted Monday, June 16, 2014. The City learned that the State ranked the grant number 1 and then submitted it to FEMA. FEMA's review process will take 2 – 3 months.

Miscellaneous.

Update on various non-construction projects.

Shared Services: Mayor DelVecchio reported that the Community Aggregation program has the lowest dropout rate, the savings is more than expected (20% higher).

Generator Project: Mayor DelVecchio reported that the City has received grant funding from FEMA for the installation of an automated generator at the Library and the Phillip L. Pittore Justice Center. This will allow the City to use City Hall for the Office of Emergency Management and the other two sites for warming/cooling and recharging stations during an emergency or power outage.

NEW BUSINESS.

Nothing to report.

ANNOUNCEMENTS.

PUBLIC WORKS ANNOUNCEMENT: beginning June 23, the public works department will pick-up garbage and recycling starting at 6 am.

TAX BILLS are in the process of being printed and will be mailed out shortly.

PUBLIC PARTICIPATION/PETITION OF CITIZENS AND PUBLIC DISCUSSION.

ADJOURNMENT.

The meeting adjourned at 7:30 p.m. with a motion made by Councilwoman Warner and seconded by Mayor DeVecchio. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege, CMR, RMC, City Clerk

The July 15, 2014 meeting minutes were approved at the regularly scheduled session of Mayor and Council held on August 19, 2014.