



City of Lambertville
Special Session Agenda
Thursday, October 9, 2014, 7:00 P.M.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville, NJ
MINUTES

STATEMENT OF COMPLIANCE.

Mayor DelVecchio called the meeting to order at 7 p.m. and read the statement of compliance with the open public meeting act into the record. The meeting notice was emailed on Monday, OCTOBER 6, 2014 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: Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Absent: Councilwoman Asaro

Also present: City Engineer – Krista Heinrich, City Architect – Michael Burns.

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.

RESOLUTIONS.

Resolution Number 127-2014: *A Resolution to Authorize the Acquisition of Cavallo Park and the Mayor and City Clerk to Sign All Documents, and Authorize All Fees Associated with the Acquisition of Cavallo Park.*

Mayor DelVecchio explained to the members of the public present that after a meeting with representatives from the State of New Jersey Department of Environmental Protection, the City adopted resolution number 110-2014 on August 19, 2014 which supported the remediation of Cavallo Park and the acquisition of the park from the State of New Jersey. Judeth Yeany from DEP contacted the Mayor to discuss the acquisition and request formal documentation of the terms from DEP which include a permanent conservation easement and a reverter clause should the City decide to sell the property. The following resolution includes the recommendations from the City Attorney and City Engineer as well as comments from the governing body:

City of Lambertville
RESOLUTION NUMBER 127-2014
*A Resolution to Authorize the Acquisition of Cavallo Park Subject to Conditions, Authorizing the Mayor,
City Attorney and City Clerk to Sign the Agreement for the Acquisition*

City of Lambertville
Special Session
Thursday, October 9, 2014, 7 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Agenda
Page 2

WHEREAS, the State of New Jersey's Department of Environmental Protection, Division of Parks and Forestry has contacted the City regarding the acquisition of Cavallo Park, which is within the Delaware & Raritan Canal State Park, block 1043, lot 6, and

WHEREAS, NJDEP's Division of Parks and Forestry requests the transfer is in fee, no cost to the City of Lambertville and subject to the imposition of a permanent conservation easement or restriction in a form acceptable to the New Jersey Economic Development Authority (NJEDA) and the inclusion of a reverter clause prohibiting the future sale or transfer of the property for non-parkland purposes, and

WHEREAS, Mayor and Council of the City of Lambertville requires a reverter clause should the remediation efforts for the contaminated soils not address the pending issues, and

WHEREAS, the actual size of Cavallo Park is approximately 200 feet by 210 feet, equating to approximately 0.97 acre of land which would require lot 6 of block 1043 be subdivided, and

WHEREAS, the fees associated with the acquisition of the park include surveying, subdividing, titling, of the property.

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 governing body hereby authorizes the acquisition of Cavallo Park, a portion of block 1043, lot 6 measuring 0.97 acres, subject to the following:

1. The State of New Jersey will make an application to the City of Lambertville's Planning Board for the subdivision of block 1043, lot 6 cutting off the 0.97 acre portion constituting the park, and
2. The agreement and deed will include a reverter clause from the City of Lambertville to the State of New Jersey's Department of Environmental Protection, Division of Parks and Forestry in the event that the City deems that the remedial action has not met its objective of mitigating soil contamination to the appropriate remediation standards pursuant to N.J.A.C. 7:26D, and
3. The agreement and deed will include a reverter clause from the City of Lambertville to the State of New Jersey's Department of Environmental Protection, Division of Parks and Forestry in the event that the City deems that the remedial action activities uncover any unforeseen, objectionable and/or unreasonable costs, hazards and/or continuing maintenance issues and shall be contingent upon the City receiving the no further action letter from the State of New Jersey, Department of Environmental Protection, and
4. The deed will include a permanent conservation easement or a restriction in a form acceptable to the New Jersey Economic Development Authority,
5. The agreement and deed will include a reverter clause to the State of New Jersey's Department of Environmental Protection, Division of Parks and Forestry prohibiting the future sale or transfer of the property for non-parkland purposes.

BE IT FURTHER RESOLVED by Mayor and Council that the Mayor, City Attorney and City Clerk are hereby authorized to sign the agreement for the acquisition of Cavallo Park, block 1043, lot 6, with the fore mentioned conditions.

BE IT FURTHER RESOLVED, that after the acceptance of the terms and conditions set forth in this resolution by the State of New Jersey, the City will enact an ordinance in accordance with NJSA 40A:12-5 for the acquisition of the property.

ADOPTED: October 9, 2014

Mayor DelVecchio asked for any comments from the public.

City of Lambertville
Special Session
Thursday, October 9, 2014, 7 p.m.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
Agenda
Page 3

Councilman Sanders commented that he was concerned for the environmental liability if the City acquired the site.

Council President Stegman said he was concerned that the City was taking over the project before it was cleaned up.

City Attorney, Phil Faherty commented that the City could make this part of the contract and state that if there are future problems the site would revert back to the State of New Jersey.

Discussion ensued.

Shirley Kessler of 60 South Canal Street was present and asked why the City was selling Cavallo Park. Council President Stegman read the title of the resolution into the record and said he could see why she thought that, however, the City is acquiring the property from the State of New Jersey. Shirley commented that it was great and she was wondering how long the park would be closed. Mayor DelVecchio stated that “no good deed goes unpunished” and this entire process was because the City was reconstructing the park which required soil samplings resulting in the requirement of remediation. The timeframe of the remediation and reconstruction of the park was discussed. The City Architect and City Engineer will put together the timeline for the project which will be posted on the City’s website along with the site plan for the reconstruction for public information.

The draft resolution was reviewed and it was decided to add the following clause to number 3 of the resolution: “contingent upon the City receiving a no further action letter from the State of New Jersey, Department of Environmental Protection.

Mayor DelVecchio asked for a motion to adopt Resolution Number 127-2014 to acquire Cavallo Park conditioned upon the following: the State of New Jersey making application to the City of Lambertville’s Planning Board for the subdivision of block 1043, lot 6; a reverter clause from the City of Lambertville to the State of New Jersey should the city deem that remedial action has not met its objective and mitigating soil contamination to the appropriate remediation standards pursuant to NJAC 7:26D; a reverter clause from the City of Lambertville to the State of New Jersey’s Department of Environmental Protection, Division of Parks and Forestry in the event the City deems that the remedial action activities uncover any unforeseen, objectionable and/or unreasonable costs, hazards and/or continuing maintenance issues and contingent upon the City receiving a no further action letter from the State of New Jersey, Department of Environmental Protection; the deed will include a permanent conservation easement or a restriction in a form acceptable to the New Jersey Department of Economic Development; and the agreement and deed will include a reverter clause to the State of New Jersey’s Department of Environmental Protection, Division of Parks and Forestry prohibiting the future sale or transfer of the property for non-parkland purposes. Councilman Sanders made a motion to adopt resolution number 127-2014. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ANNOUNCEMENTS.

HISTORIC SOCIETY ANNUAL AUTUMN HOUSE TOUR: Sunday, October 19, 2014 from 11 AM to 5 PM.

HALLOWEEN PARADE is scheduled for Sunday, October 26, 2014 at 3 PM. Step off is at York Street with the regular parade route to Ely Park.

TRICK OR TREATING is scheduled for Friday, October 31, 2014 from 6 – 8 PM.

PET MASQUERADE PARADE is scheduled for Saturday, October 18, 2014 from 11:30 am to 2 pm with a rain date of October 25, 2014.

PUBLIC PARTICIPATION/PETITION OF CITIZENS AND PUBLIC DISCUSSION.

Council President Stegman asked when the landscaping would be completed at City Hall. Michael Burns, the City Architect was present and he will revisit the plan to ensure the gas line that was installed will not conflict.

ADJOURNMENT.

Mayor DelVecchio asked for a motion to adjourn at 7:42 p.m. Councilman Sanders made a motion to adjourn. Councilwoman Warner seconded the motion. 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 October 9, 2014 Special Session Minutes were approved at the regularly scheduled session of Mayor and Council held on Tuesday, October 21, 2014.

