



City of Lambertville
REGULARLY SCHEDULED SESSION
MONDAY, NOVEMBER 30, 2020, 6:30 PM
VIRTUAL MEETING USING ZOOM
MINUTES

Please use this link to obtain information for meeting participation:

<http://lambertvillenj.org/virtualmeetings>

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 6:30 p.m. and asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record:

This meeting is being held in compliance with the Open Public Meetings Act with the Annual Notice advertised in Trenton Times; the meeting notice was provided to the Hunterdon County Democrat and Trenton Times, sent to department heads, members of the listserv and was posted on the glass doors of the elevator entrance at City Hall. The meeting agenda was posted on the Bulletin Board at City Hall, on the City's website at www.lambertvillenj.org.

This session will be recorded using Zoom. The recording will be posted to the City's website.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

CLOSED SESSION:

Mayor Fahl asked the City Clerk to read the resolution to go into closed session into the record. The City Clerk read the following statement regarding the closed session: *A Resolution to go into Closed Session to discuss Attorney/Client Privileged Issues Related to Contract Negotiations and Personnel Matters, Pursuant to N.J.S.A. 40:4-12(b)(7)*

RESOLUTION

“Authorizing a Closed Session at the November 30, 2020 Lambertville City Council Meeting to Discuss Attorney/Client Privileged Issues Related to Contract Negotiations and Personnel Matters, Pursuant to N.J.S.A. 40:4-12(b)(7)”

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, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the City to discuss, in a session not open to the public, attorney-client privileged issues related to contract negotiations involving the City and Personnel Matters, pursuant to N.J.S.A. 10:4-12(b) (7).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on November 30, 2020, via Zoom, to discuss

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attorney/client issues related to contract negotiations involving the City, pursuant to N.J.S.A. 40:4-12(b)(7).

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.

ADOPTED:

Mayor Fahl and City Council convened in closed session at 6:32 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Urbish. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 6:58 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Urbish. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The meeting reconvened in Open Session at 7:00 p.m.

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, Mayor Fahl

Also present: William Opel – City Attorney, Cynthia Ege – City Clerk, Kristina Majeski – Deputy Clerk.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

Mayor Fahl asked the members of the public present to stand for the Pledge of Allegiance and to continue standing for a moment of silence honoring those serving in the United States Arms Forces in Country and Abroad; and on the front lines of COVID19.

FACEBOOK

Mayor Fahl addressed the public regarding the city’s Facebook page. A member of the community made some very comparisons of the Mayor to convicted criminals. The consequences to things written on line impact the person, their families and cause pain and hurt caused. This was not the only inflammatory thing said about Mayor, but was the worst. Parents in our community have expressed concerned about Facebook. Actions like this should not be accepted or tolerated in our community.

BILLS LIST

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Council President Asaro asked for a motion to approve the Bills List. Councilwoman Urbish made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS

CONSENT AGENDA:

Council President Asaro asked for a motion to adopt the Resolutions listed on the consent agenda.

RESOLUTION NUMBER 139-2020: A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020 – City Attorneys, 20-2020 – City Planner, and 19-2020 – City Engineer.

RESOLUTION NUMBER 139-2020

A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020 – Attorneys, 20-2020 – City Planner, and 19-2020 City Engineer.

WHEREAS, on January 7, 2020, the Governing Body of the City of Lambertville awarded contracts for professional services; and

WHEREAS, the following not to exceed amounts in the resolutions for professional services is amended to read:

Resolution Number 10-2020 for City Engineer: Suburban Consulting Engineers, LLC, an increase in the contract from \$7,500 to a not to exceed amount of \$13,500.00;

Resolution Number 20-2020 for the City Planner for matters related to COAH: Clarke Canton Hintz, an increase the contract from \$15,000 to a not to exceed amount of \$36,300.00;

Resolution Number 17-2020 for COAH Attorney: Malamut, an increase the contract from \$15,000 to a not to exceed amount of \$27,300.00.

NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville, in the County of Hunterdon, that the amendments to resolutions listed adopted on January 7, 2020 are hereby authorized.

ADOPTED: November 30, 2020

RESOLUTION NUMBER 142-2020: A Resolution to Adopt the 2019 Corrective Action Plan.

RESOLUTION NUMBER 142-2020

A Resolution to Adopt the 2019 Corrective Action Plan for the Audit

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WHEREAS, the 2019 Audit of the City of Lambertville’s financials was completed by Mercadien on October 30, 2020, and

WHEREAS, the Governing Body accepted the Audit on November 10, 2020; and

WHEREAS, the synopsis was published in the November 16, 2020 edition of the Trenton Times; and

WHEREAS, the Certified Municipal Finance Officer completed the Corrective Action Plan and submitted it for Governing Body approval at the November 30, 2020 session.

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 Corrective Action Plan for the 2019 Audit completed by the Certified Municipal Finance Officer is hereby adopted; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file the Corrective Action Plan with the State of New Jersey, Department of Local Government Services.

ADOPTED: November 30, 2020

RESOLUTION NUMBER 143-2020: A Resolution to Authorize the Transfers in the 2020 Budget

RESOLUTION NUMBER 143-2020

**RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS
PURSUANT TO N.J.S.A 401:4-58**

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated; now

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

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| <u>ACCOUNT</u> | <u>IN</u> | <u>OUT</u> |
|----------------------------|---------------------|---------------------|
| FIRE INSPECTION O/E | \$ 2,600.00 | |
| BUILDINGS & GROUNDS O/E | \$ 500.00 | |
| STREET LIGHTING | \$ 500.00 | |
| MASTER PLAN O/E | | \$ 5,000.00 |
| MAINTENANCE OF TAX MAP O/E | | \$ 2,000.00 |
| LEGAL O/E | \$ 15,000.00 | |
| ADMINISTRATION S&W | | \$ 29,000.00 |
| SOLID WASTE S&W | \$ 16,500.00 | |
| MUNICIPAL CLERK S&W | \$ 2,300.00 | |
| FINANCE S&W | \$ 3,400.00 | |
| PARKS & PLAYGROUNDS O/E | | \$ 1,000.00 |
| ADMINISTRATION O/E | | \$ 3,800.00 |
| TOTAL | \$ 40,800.00 | \$ 40,800.00 |

RESOLUTION NUMBER 144-2020: A Resolution to Authorize the Refund of Fourth Quarter Overpayments to Corelogic as follows.

RESOLUTION NUMBER 144-2020

A Resolution to Authorize the Refund of Fourth Quarter Overpayments to Corelogic

WHEREAS, Corelogic, a vender used by financial institutions for the purpose of collecting and making tax payments submitted duplicate payments for fourth quarter property taxes in the City of Lambertville; and

WHEREAS, Block 1048, Lot 59, is due a refund in the amount of \$250.00 for a senior citizen deduction allowed in late October, 2020.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds due to Corelogic are hereby authorized:

Block 1005, Lot 31, in the amount of \$2,324.54

Block 1016, Lot 18, in the amount of \$2,605.54

Block 1024, Lot 12, in the amount of \$2,657.30

Block 1070, Lot 7.10, in the amount of \$1,613.89

Block 1048, Lot 59, in the amount of \$250.00

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RESOLUTION NUMBER 145-2020: A Resolution to Authorize the Refund of Fourth Quarter Taxes for Block 1030, Lot 4 Due to a Veterans' Disability Status in the Amount of \$2,460.42 to Corelogic Centralized.

RESOLUTION NUMBER 145-2020

A Resolution to Authorize the Refund of Fourth Quarter Taxes for Block 1030, Lot 4 Due to a Veterans' Disability Status in the Amount of \$2,460.42 to Corelogic Centralized

WHEREAS, the Tax Assessor has certified that the owner of 57 N. Union Street meets all of the requirements to receive Veterans Status;

WHEREAS, the Tax Collector requested that the Governing Body authorize the refund of fourth quarter tax payments made for 2020 in the Amount of \$2,460.42 to Corelogic.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the refund of tax payments made for 2020 in the Amount of \$2,2460.42 is hereby authorized.

RESOLUTION NUMBER 146-2020: A Salary & Wage Resolution Authorizing Retro Pay to the Police Secretary and to Pay Construction officials for the Shared Services Agreement with the Borough of Frenchtown.

RESOLUTION NUMBER 146-2020

A Salary & Wage Resolution for the Retired Police Secretary

WHEREAS, Sally Lelie retired from her position as the Secretary to the Police Department on May 1, 2020 and is therefore due the 2% pay increase from January 1 to May 1, 2020;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following Salary and Wage Payment is hereby authorized:

Sally Lelie in the amount of \$341.65

RESOLUTION NUMBER 147-2020: A Resolution to Cancel Resolution Number 134-2020, the Contract with W. E. Timmerline, Co., Inc. to Fix the Street Sweeper in the Amount of \$23,300.00.

A Resolution to Cancel Resolution Number 134-2020, the Contract with W.E. Timmerline, Co., Inc. to fix the Street Sweeper in the Amount of \$23,300.00

WHEREAS, the contract with W. E. Timmerline Co., Inc., was approved at the October 22, 2020 voting session of the Governing Body, and;

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WHEREAS, the Vender advised it would require approximately three weeks to fix the Street Sweeper; and

WHEREAS, the City of Lambertville suspends the Street Sweeper for the winter months because the temperature is usually below freezing and causes a breakdown.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that Resolution Number 14-2020 is hereby canceled and the contract with W.E. Timmerline Co., Inc. in the amount of \$23,300.00 is hereby void.

RESOLUTION NUMBER 149-2020: A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 65 in the Amount of \$4,473.63 Plus a Premium in the Amount of \$9,400.00

RESOLUTION 149-2020

A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 65 In the Amount of \$4,473.63 Plus a Premium in the Amount of \$9,400.00

WHEREAS, Tax Lien Certificate 20-00001 issued on Block 1002 Lot 65 was sold to Andrew Maskell IRA, 109 Vernon Street, Bordentown, NJ, 08505.

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

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Andrew Maskell IRA, 109 Vernon Street, Bordentown, NJ, 08505 for the redemption of tax lien certificate #20-00001 in the amount of: \$4,473.63

In addition, the City is holding a premium in the amount of \$9,400.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$ \$4,473.63

Check 2= for premium= \$9,400.00

ADOPTED: November 30, 2020

RESOLUTION NUMBER 150-2020: A Resolution Authorizing the Payment of Funds to the Lambertville Municipal Utilities Authority for the 2019 Tax Sale Held on October 19, 2020 in an Amount Not to Exceed \$5,041.84

RESOLUTION NUMBER 150-2020

A Resolution Authorizing the Payment of Funds to the Lambertville Municipal Utilities

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*Authority for the 2019 Tax Sale Held on October 19, 2020 in an Amount Not to Exceed
\$5,041.84*

WHEREAS; the City of Lambertville held the annual 2019 tax sale for unpaid property tax and sewer fees on October 19, 2020; and

WHEREAS, the amount due and payable to the Lambertville Municipal Utilities Authority is \$5,041.84, with the principal and interest.

THEREFORE, BE IT RESOLVED; that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon authorize the payment of funds to the Lambertville Municipal Utilities Authority for the 2019 tax sale held on October 19, 2020 in an amount not to exceed \$5,041.84.

ADOPTED: November 30, 2020

RESOLUTION NUMBER 151-2020: *A Resolution Ratifying and Affirming the Termination of former Business Administrator Alex Torpey*

RESOLUTION NUMBER 151-2020

*A Resolution Ratifying and Affirming the Termination of former Business Administrator
Alex Torpey*

WHEREAS, on July 29, 2020, the City of Lambertville (the “City”) terminated Business Administrator Alex Torpey, pursuant to Chapter 2-5.1(A)(1) of the City Code of the City of Lambertville (the “Code”); and

WHEREAS, the City is governed by the Faulkner Act (*N.J.S.A. 40:69A-1, et seq.*) under the Small Municipality form of government available for municipalities with a population of under 12,000 (*N.J.S.A. 40:69A-115*), as implemented by direct petition as of January 1, 1983; and

WHEREAS, the City government consists of a Mayor and a four-member City Council -- all elected positions; and

WHEREAS, pursuant to the Code, the head of each department is a Director appointed by the Mayor (Code, § 2-5.2 a); the City Business Administrator is the Director the of Department of Administration (Code, § 2-5.2 b; § 2-7.1 a); and

WHEREAS, pursuant to the Code “[e]ach department head shall serve at the pleasure of the Mayor” (Code, § 2-5.2 e); and “[e]ach department head shall serve during the term of the Mayor appointing him/her unless removed from office by the Mayor...” (Code, § 2-5.2 d); and

WHEREAS, the City established the position of business administrator by Ordinance No. 03-2019 on March 21, 2019; and

WHEREAS, by letter dated April 1, 2019, the City made an offer of “at will” employment for the position of business administrator to Alex Torpey; and

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WHEREAS, Mr. Torpey accepted the position with the City in accordance with the letter, and held that position until July 29, 2020; and

WHEREAS, Mr. Torpey was terminated from his employment as business administrator on July 29, 2020 effectively immediately by the Mayor, pursuant to the Faulkner Act and Code; and

WHEREAS, under the Faulkner Act, the mayor is the chief executive and responsible for supervising the departments of the municipal government. *See, City Council v. Brown*, 249 N.J. Super. 185, 188-189 (App. Div. 1991); *N.J.S.A. 40:69A-32b*; *N.J.S.A. 40:69A-40*; and

WHEREAS, Department heads, appointed by the mayor, may be removed by the mayor who may also remove any other municipal executive officers, subject to council disapproval. *See, N.J.S.A. 40:69A-43(c)*; and

WHEREAS, on or about September 4, 2020, Mr. Torpey instituted a civil law suit by Verified Complaint, entitled Alex Torpey v. City of Lambertville, Docket No.: HNT-L- 000331-20 and Order to Show Cause (hereinafter the “Action”), in which, among other things, Torpey contends that he was improperly removed under *N.J.S.A. 40A:9-138* by the “willful” unilateral action of the Mayor; and

WHEREAS, the City opposed to the Order to Show Cause, and among other things, asserted that the Mayor had the authority to remove Mr. Torpey as business administrator – a department head - under the Faulkner Act and Code; and, that Torpey was an “at will” employee who may be terminated for any reason or no reason; and, that Torpey was properly terminated from his position as business administrator; and

WHEREAS, on October 1, 2020 the Honorable Michael F. O’Neill, J.S.C. denied Torpey’s Order to Show Cause in which he sought to be reinstated as business administrator pursuant to *N.J.S.A. 40A:9-138*;

WHEREAS, *N.J.S.A. 40A:9-138* provides in pertinent part: “The municipal administrator may be removed by a 2/3 vote of the governing body.”; and

WHEREAS, notwithstanding the Mayor’s authority under the Faulkner Act and Code to remove Torpey as the City business administrator, the Mayor and Council now seek to limit any future potential claim or recovery by Torpey against the City for front pay and salary pending the final resolution of the Action (in the event that the Court rules that *N.J.S.A. 40A:9-138* is applicable and controlling over the Faulkner Act and Code); and

WHEREAS, by undertaking a 2/3 vote and adopting the within Resolution, the City is not making any admissions in any way; including: no admission that *N.J.S.A. 40A:9-138* is controlling, and no admission that Mr. Torpey was not properly removed by the Mayor under the Faulkner Act, the Code, or otherwise; and

NOW THEREFORE BE IT RESOLVED by the Governing Body, of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the termination of former Business Administrator Alex Torpey is hereby ratified and affirmed.

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Mayor Fahl made the motion to adopt the resolutions listed on the consent agenda. Councilwoman Urbish seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CLOSSON PROPERTY PURCHASE

PUBLIC HEARING AND SECOND READING:

Mayor Fahl read the Ordinance into the record by title.

ORDINANCE NUMBER 14-2020: An Ordinance Authorizing the Purchase of Property Located at 260 North Main Street, Block 1002, Lot 41, and Authorizing the Execution of Agreements in Connection Therewith

An Ordinance Authorizing the Purchase of Property Located at 260 N. Main Street (Block 1002, Lot 41) and Authorizing the Execution of Agreements in Connection Therewith

WHEREAS, David and Edward W. Closson (the "Clossons") own the property shown on the City of Lambertville's (the "City") Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the "Closson Property"); and

WHEREAS, currently situated on the Closson Property are the Homestead Farm Market and associated improvements and parking space related thereto, a residential home, a barn, a revolutionary-era stone farmhouse that served as a headquarters for George Washington and his troops (the "Washington Headquarters"), along with significant open space and gardens; and

WHEREAS, the Closson Property is of significant cultural value to our community; and

WHEREAS, the City's Governing Body understands the intrinsic value of preserving the rural character of our community; and

WHEREAS, the Washington Headquarters is an important piece of the fabric of our historic community; and

WHEREAS, pursuant to N.J.S.A. 40:12-15.7 and N.J.S.A. 40A:12-5, and in furtherance of its effort to acquire land for recreation and conservation purposes, and for the continued performance of essential City functions, the City desires to purchase from the Clossons the Closson Property, pursuant to a Purchase and Sale Agreement by and between the City and the Clossons (the "Agreement"); and

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WHEREAS, in order to set forth the terms and conditions under which the City and the Clossons will carry out their respective obligations with respect to the transaction described herein, the City desires to authorize the execution of the aforementioned Agreement.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The price to purchase the Closson Property from the Clossons is not to exceed \$2,900,000.00, and is hereby deemed to be reasonable.
3. The Mayor is hereby authorized to execute the Agreement, in substantially the same form as that on file with the City Clerk, and any and all documents necessary to effectuate the acquisition from the Clossons of the Closson Property, upon such terms and conditions as are set forth in the Agreement.
4. The terms of the Agreement are reasonable, and the City is further authorized to take all steps necessary for the conduct of due diligence at the Closson Property pursuant to said Agreement.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law.
6. This Ordinance shall take effect pursuant to applicable law.

FIRST READING AND INTRODUCTION: November 10, 2020

SECOND READING AND PUBLIC HEARING: November 30, 2020

Mayor Fahl Open the public hearing and she asked the Deputy Clerk to promote Paul Kuhl and Sarah Gold to a panelist as the Co-Chairpersons for the Community Advisory Team.

Mayor Fahl shared a power point presentation with the members of the public (attached to the minutes and marked as addendum A). The PowerPoint presentation will be posted on the City's website tomorrow. The budget would still allow the City to continue to purchase new trash trucks, new police vehicles, and facility maintenance. It takes it all into account and is still below yellow line. It reduces amount of wiggle room between 2021 and 2025, but it still will have zero tax impact for borrowing for Closson site and having a reasonable Capital Budget every year and address facility concerns.

Council comments

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Councilwoman Urbish: Some of the debt we are talking about comes off in 2024. This project doesn't inhibit Capital investments between now and 2026.

Mayor Fahl responded that even with the long-term investments there is not tax impact to the community and assumes we get no refund for preservation, assumes net zero gain on the sale of the police site, plus a 4% borrowing, feels confident it will have less impact as we work towards Green Acres, County and Not for Profit organizations.

Public comments

Mary Jane Legere thanked Mayor Fahl, the members of Council and the CAT for all of the work and creative thinking put into the preservation of the Closson property. The project ticks off a lot of boxes, Historic Preservation, prevents overdevelopment, creative uses for property and of course – I would love to see them sledding down cow hill for many years to come.

Marcia O'Connell thanked the Council for the incredible amount of work that has already been done. She is in favor and delighted to have the opportunity to learn so much about it. Learned more from the current Mayor than from the last 20 years.

Paul Stevens had some questions asked what's plan b? He is in support, but ultimately the cost would come back down onto the City if we can't find a nonprofit. Mayor Fahl responded that we are working with CAT to talk about acquisition and the use of the property and we have six months to work that out.

Elycia Lerman commented that she is in general in support but has questions with respect to the financials. In order to get what has to get done looks like it will require a full-time project manager, how will this get taken care of? She asked for clarification regarding the overlay on the Closson property. Councilwoman Urbish responded in terms of full-time project manager, it is something we have been thinking about and will discuss with CAT and any potential budget issues will be brought into the plan. Mayor Fahl commented that the overlay is mute if we are moving towards preservation. The potential overlay only matters if this was being developed for housing, the community spoke loud and clear that they want to stop overdevelopment. Underlying zoning is mute at that point.

Deb Vari commented that she is calling in to support the City moving forward with the acquisition. I think it is really important with regard to open space. She also appreciates the work of CAT and the City. I am definitely supportive of moving forward.

Karen Conlon said she appreciates what you are doing, your creativity, financial knowledge and that you take the time to explain this to the community. I am a member of the CAT. I like this idea because Lambertville doesn't have any larger existing open

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space. She said she applauds the Closson's and I know preserving the property is important as well.

Colm Quinn thanked the council, mayor, this is a very effective and imaginative plan; this is a piece of space that everyone in town has interacted in one shape property will be there long after current arguments are gone and forgotten.

Jackie Middleton commented that she strongly supports the acquisition of the piece for open space. This is an important resource for any town, land acquisition for Hunterdon Land Trust – positive impact on City's and residents. She appreciates it and will do whatever she can do to help.

Richard Green, asked regarding the current real estate property, what is the market, negotiated price, how much more Green Acres can we expect to fund this acquisition, have we budgeted for maintenance, etc.? Why not put it to referendum in March? Mayor Fahl responded that the modeling does not reflect Green Acres funding and it is wildly conservative. It does not include sources of funding; this is just if we pay for it with a bond. With regard to the maintenance, we are looking spend the open space money which was a referendum of the community to maintain the Closson property, Cherry Street lot, hill above Ely Field. With regard to the Flemington Police Department, the model was based on Delaware Township and New Hope who used adaptive repurpose, and they were able to do it for under \$700,000. The property is on open real estate market, and if we wait there is the potential chance, we will lose the site which in her opinion is not a risk worth taking. The final decision is up to the Governing Body. Councilwoman Urbish asked for the City Attorney to clarify specifics on what is voting on tonight, including the do not exceed. City Attorney Opel commented that the Ordinance sets a not to exceed price. The City has been in negotiations with the Closson's, the price will reflect negotiations.

Doug Graiver commented the thought of a large town house development really bothers me. Preserving open space has always been a priority. This is a beautiful piece of property, would hate to see a town house. He said he was grateful to the Closson's.

J. Jordan commented that he is also a fan of open space, very much a fan of the opportunity to preserve this property. This requires administrative oversight and additional burden to the employees of the City. What do we lose if we decide it isn't feasible to move forward, and then as far as open space goes, that tax in 2019 was \$78,000 we spent \$118,000, if we use open space what were we spending it on before? Mayor Fahl responded the goal is to finalize a plan for the use of the buildings so they are owned by not for profit or for profit that would be required to maintain the buildings. The City is still in negotiations, but what is on the line is the down payment of \$75,000 paid out over three periods, two months of due diligence we have sort of a full refund and then 1/3 hardens over two months of the due diligence, plus the cost of the

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studies which we are budgeting for a little over \$200,000. We levy \$77,000 in open space annually. We have approximately \$280,000 in open space account. We previously paid for the acquisition for Cherry Street lot, and added maintenance for properties already acquired, such as leaf and brush pick-up, general maintenance of outdoor space and finally, appreciate your comment at the last meeting and we took it into account when we were doing our financial planning, we not only added on capital expenditures, but the Closson property and debt services. Councilman Sanders commented that the \$77,000 is the current value of the assessment tied to that, but it is ultimately tied to valuations, would likely go up in future years. Mayor Fahl commented that the City plans to send out a request for proposals for maintenance of open space.

Jack Ludwig commented that this is a great demonstration of creative government and listening to the population. The alternative is not good, if this becomes annexed to the Orleans site that would really not change the whole entry way into the north end of the City. He felt the budget is a little rosy and \$300,000 in capital improves is a little tight. He is in support of this. Mayor Fahl commented that she will work through the CAT on how to use the property for the community.

Charlie Zarnitz referenced the power point presentation, and said he is wondering if we didn't have this obligation, how quickly could the city be below the best practice? Mayor Fahl responded in 2029. He asked about school taxes? Mayor Fahl responded that the Closson's currently pay \$23,000, \$4,117 to municipality, vast majority goes to the school. Mr. Zarnitz asked for an illustrate on what the impact would be if we didn't have this expenditure. Mayor Fahl said she will amend the slides to reflect the edits so it is clearer.

Stephanie Moss commented that she is am really happy to support this project, open space is extremely important and this will definitely do that for us. This is the perfect place, if we don't move forward with the Closson's and make this agreement we have no idea what will be developed on that hill. It can be and will be developed. Appreciate all you have done.

Nancy Johnson Campbell and Jeff Campbell congratulated the council on moving quickly and thoroughly. The City identified a lot of issues and you are approaching a lot of ways that creates flexibility and allows us to take advantage of purchase of this property. The historic value of this property, very few sites that have hosted George Washington, this is part of Lambertville's heritage that would be a tragedy to lose. Wisely and prudently incorporate into lands.

Rich and Mary Freedman commented they are 100% for this project and they piggy backed onto Nancy and Jeff, expressing their interest in preserving open space, don't want to lose site of the importance of Washington's site.

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There being no further questions or comments, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 14-2020. Council President Asaro made a motion to close the public hearing. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading granting final approval for Ordinance Number 14-2020. Councilwoman Urbish made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

INTRODUCTION AND FIRST READING:

ORDINANCE NUMBER 17-2020: A Bond Ordinance to Fund Professional Services and Commission Work Related to the Purchase of the Closson Property, Block 1002, Lot 41.

Council President Asaro read the Ordinance into the record by title. She asked for a motion to introduce on first reading Ordinance Number 17-2020.

BOND ORDINANCE PROVIDING FOR PRELIMINARY PLANNING EXPENSES FOR THE ACQUISITION OF PROPERTY IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$161,900 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

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 purpose described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the purpose described in Section 3(a), there is hereby appropriated the sum of \$170,000, including the sum of \$8,100 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$161,900 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 bonds are being authorized herein for the purpose of financing preliminary planning expenses for the acquisition of property known as 260 North Main Street, Block 1002, Lot 41 on the official Tax Map of the City, including all related costs and expenditures necessary therefor or incidental thereto.

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

(c) The estimated cost of the purpose is equal to the amount of the appropriation herein made therefor.

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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 bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The purpose described in Section 3(a) of this bond ordinance is not a current expense. It is a purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$161,900, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) The entire \$170,000 appropriated for the purpose authorized herein is for items of expense listed in and permitted under N.J.S.A. 40A:2-20.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued

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pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are 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 of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Sanders made a motion to introduce on first reading Ordinance Number 17-2020. Councilwoman Taylor 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 December 17, 2020.

EMERGENCY RESOLUTION AND ORDINANCE

ORDINANCE NUMBER 13-2020: ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$438,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Council President Asaro read the ordinance into the record by title.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:

Section 1. The City of Lambertville, in the County of Hunterdon, New Jersey (the "City") hereby appropriates an aggregate amount of \$438,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act,"

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P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$43,000, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the City during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$395,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual and aggregate amounts set forth herein or such other amounts as certified by the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. The City shall apply for any financial assistance that may be available to the City from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the City shall be utilized to offset any operating deficit.

Section 3. A copy of this ordinance as finally adopted shall be filed with the Director.

Section 4. This ordinance shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the City for approval of the special emergency authorized hereby (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

Council President Asaro opened the public hearing for Ordinance Number 13-2020. She asked for Council questions or comments.

Mayor Fahl commented that this is the special emergency that will be spread out over five years.

Councilman Sanders asked if this was approved by the DCA. Mayor Fahl responded that it was approved.

Councilwoman Taylor commented that the CMFO was very helpful and it is important for folks to remember that the final amount won't get approved until we can close the books. There is a potential for the amount to go down if we have more revenue than we thought. This is a not to exceed amount.

There being no further council comments and no public comments, Council President Asaro asked for a motion to close the public hearing. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to adopt on second reading Ordinance Number 13-2020. Councilwoman Taylor made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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RESOLUTION NUMBER 148-2020: A Resolution Authorizing the Issuance of Special Emergency Notes in An Amount Equal to the Special Emergency Appropriation Made for the Purposes Set Forth in N.J.S.A. 40A:4-53(L) and or N.J.S.A. 40A:4-53(M), in and by the City of Lambertville, in the County of Hunterdon, New Jersey

Mayor Fahl explained that this resolution is part of the requirement for the special emergency. She asked for a motion to adopt Resolution Number 148-2020.

RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN AN AMOUNT EQUAL TO THE SPECIAL EMERGENCY APPROPRIATION MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY

BE IT RESOLVED 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. An ordinance authorizing a special emergency appropriation of \$438,000, or such other amount certified by the Director of the Division of Local Government Services (the "Authorized Amount"), by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m) has been finally adopted by the City Council of the City, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the City is hereby authorized to borrow the Authorized Amount and to issue its special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55) (the "Local Budget Law").

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the Chief Financial Officer of the City pursuant to this resolution.

(c) The City may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for, beginning in the year after the year in which the resulting deferred charge appears in the City's unaudited financial statement.

Section 3. The following matters in connection with the Notes are hereby determined:

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(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the Chief Financial Officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year, beginning in the year after the year in which the resulting deferred charge appears in the City's unaudited financial statement, so that all Notes and renewals shall have matured and have been paid not later than the last day of the sixth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The Notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination;

(d) The City shall apply for any financial assistance that may be available to the City from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the City shall be utilized to offset any operating deficit or, if applicable, to payment of the Notes issued hereunder. The amount of Notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 4. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination.

Section 5. The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the City. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The City hereby makes the following covenants and declarations with respect to Notes to be issued by the Chief Financial Officer of the City on a tax-exempt basis, if any. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Chief Financial Officer is hereby authorized to act on behalf of the City to

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deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the City shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) Not more than 270 days following the close of the fiscal year, beginning with the fiscal year following the issuance of the Notes, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the City consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the City and certain financial information and operating data consisting of (1) City indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the City; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Notes, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;

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- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the City;
- (13) The consummation of a merger, consolidation or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the City, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the City to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such Chief Financial Officer is hereby authorized to enter into written contracts or undertakings to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

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(f) In the event that the City fails to comply with this resolution or the written contract or undertaking, the City shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the City (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

The foregoing resolution was adopted by the following vote:

AYES: Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, Mayor Fahl.

Councilwoman Urbish made the motion to adopt Resolution Number 148-2020. Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – PUBLIC HEARING AND SECOND READING/OTHER

ORDINANCE NUMBER 15-2020: An Ordinance to Amend the Lambertville City General Ordinances, 2014, to Include a Handicapped Parking Space in front of 29 North Franklin Street.

Council President Asaro read the Ordinance into the record by title.

ORDINANCE NUMBER 15-2020
An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 29 North Franklin Street.

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front 29 North Franklin Street is authorized as follows:

North Franklin Street, on the south side of the street in front of 29 North Franklin Street.

INTRODUCED: November 10, 2020

PUBLIC HEARING AND ADOPTION: November 30, 2020

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Council President Asaro opened the public hearing for Ordinance Number 15-2020 and asked for Council Comments. There being no Council comments, she asked for public comments. There being no public comment, Council President Asaro asked for a motion to close the public hearing for Ordinance Number 15-2020. Councilman Sanders made the motion to close the public hearing. Councilwoman Urbish seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to adopt on second reading, Ordinance Number 15-2020. Councilwoman Urbish made a motion to adopt on second reading granting final approval of Ordinance Number 15-2020. 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 16-2020: *An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **Remove and Replace the Free** Two Parking Spaces with Meters on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.*

Council President Asaro read the Ordinance into the record by title.

ORDINANCE NUMBER 16-2020
An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to Remove and Replace the Two Free Parking Spaces with Meters on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.

BE IT ORDAINED by the Mayor and Governing Body of the City of Lambertville that Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **remove** and replace the two free parking spaces with meters as follows:

| <i>Name of Street</i> | <i>Sides</i> | <i>Hours</i> | <i>Location</i> |
|-----------------------|--------------|--------------|--|
| Bridge Street | South | 9 am to 9 pm | First two parking spaces on the south side of Bridge Street west of Main Street. |

INTRODUCTION AND FIRST READING: November 10, 2020
ADOPTION AND SECOND READING: November 30, 2020

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Mayor Fahl explained that this Ordinance is to put back the metered spaces on Bridge Street which were previously reserved for the Chamber of Commerce. The Chamber has relocated and the spaces are no longer necessary.

Council President Asaro opened the public hearing and asked for questions or comments from the public.

There being no questions or comments, Council President Asaro asked for a motion to close the public hearing for Ordinance Number 16-2020. Councilman Sanders made a motion to close the public hearing. Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present.
MOTION CARRIED.

Council President Asaro asked for a motion to adopt on second reading granting final approval for Ordinance Number 16-2020. Councilman Sanders made the motion and Councilwoman Urbish 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 19-2020: An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 407, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in front of 34 Perry Street

Council President Asaro read the Ordinance into the record by title.

ORDINANCE NUMBER 19-2020
*An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7,
Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in
Front of 34 Perry Street.*

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front 34 Perry Street is authorized as follows:

Perry Street, on the north side of the street in front of 34 Perry Street.

INTRODUCED: November 30, 2020

PUBLIC HEARING AND ADOPTION: December 17, 2020

Council President Asaro asked for a motion to introduce Ordinance Number 19-2020. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present.
MOTION CARRIED.

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ORDINANCE NUMBER 18-2020: AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ADOPTING THE POLICE STATION TRACT REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

Council President Asaro read the Ordinance into the record by title.

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY ADOPTING THE POLICE STATION TRACT
REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND
HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.**

WHEREAS, the City of Lambertville, a public body corporate and politic of the State of New Jersey (the “**City**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) to determine whether certain parcels of land within the City constitute an area in need of redevelopment; and

WHEREAS, by Resolution No. 95-2020, adopted on July 23, 2020, the Mayor and Council of the City (the “**Mayor and Council**”) designated Block 1003, Lot 3 on the Official Tax Map of the City (the “**Property**”) as an ‘non-condemnation area in need of redevelopment’ pursuant to the Redevelopment Law; and

WHEREAS, by Resolution No. 95-2020, adopted on July 23, 2020, the Mayor and Council directed the Planning Board of the City (the “**Planning Board**”) to prepare a redevelopment plan for the Property and to take any action necessary to effectuate its review of same so that a recommendation may be made to Mayor and Council; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused Clarke Caton Hintz to prepare a redevelopment plan for the Property, entitled the “*Police Station Tract Redevelopment Plan*”, dated October 23, 2020 (the “**Redevelopment Plan**”), attached hereto as Exhibit A; and

WHEREAS, after due consideration of the Redevelopment Plan at a duly noticed and constituted public meeting held on November 18, 2020, the Planning Board determined that the Redevelopment Plan is consistent with the Township’s Master Plan, and recommended that the Mayor and Council enact the Redevelopment Plan; and

WHEREAS, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Governing Body believes that the adoption of the Redevelopment Plan is in the best interests of the City of Lambertville and the redevelopment of the Property.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, that:

SECTION 1. Upon review of the Planning Board’s recommendations, and pursuant to the authority granted to the Governing Body by *N.J.S.A. 40A:12A-7*, the Redevelopment Plan, dated October 3, 2020, prepared by Clarke Caton Hintz, and attached hereto as Exhibit A, is hereby adopted.

SECTION 2. Pursuant to the provisions of *N.J.S.A. 40A:12-7(c)*, the Redevelopment Plan hereby supersedes applicable provisions of the City of Lambertville Land Use Ordinance. In so

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doing the Redevelopment Plan shall constitute an explicit amendment to the City Zoning Map to identify the Property as the boundaries of the area regulated by the Redevelopment Plan. The official City Zoning map shall be amended to henceforth coincide with the Redevelopment Plan.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 4. If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 5. This ordinance shall take effect after final approval and publication according to law.

INTRODUCTION AND FIRST READING: November 30, 2020

PUBLIC HEARING AND SECOND READING: December 17, 2020

Council President Asaro asked for a motion to introduce on first reading Ordinance Number 18-2020. Councilwoman Urbish made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ANNOUNCEMENTS

Mayor Fahl read the announcements into the record.

WAIVER OF FEES RELATED TO TENTS FOR BUSINESSES: Mayor Fahl has authorized the waiver of all fees related to the installation of tents for businesses due to COVID19 (\$75.00 fee).

PARKING NEWS! All metered parking is free on Thanksgiving Day, November 26, 2020 and from December 17th through December 25!

Mayor Fahl informed the members of the public that the City is discussing how best to proceed with the Annual Tree Lighting and Menorah Lighting in light of the increase in COVID cases. It may be held virtually.

ANNUAL TREE LIGHTING is scheduled for Saturday, December 12, 2020 at 4:30 p.m. at the corner of South Union and Bridge Street.

ANNUAL MENORAH LIGHTING is scheduled for Wednesday, December 16, 2020 at 6:30 p.m. at the corner of South Union and Bridge Street.

HOLIDAYS

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December 23, 2020, the Eve of Christmas Eve, all Offices will close at 12:30 pm

December 24, 2020, Christmas Eve, All Offices are closed a full day.

December 25, 2020, Christmas Day - All Offices are closed a full day.

Garbage and Recycling scheduled for Thursday and Friday, will be picked up on Thursday, December 24.

December 31, 2020, New Year's Eve, All Offices are closed a full day

Garbage and Recycling scheduled for Thursday and Friday, will be picked up on Thursday, December 31.

APPOINTMENTS TO BOARDS AND COMMISSIONS: The City is in the beginning stages of planning appointments for the 2021 calendar year. If you are currently serving on a board or commission, or if you would like to be considered for an appointment, please submit your letter of interest and resume to the Mayor, Council President and City Clerk using the following email addresses:

- i. mayorfahl@lambertvillenj.org
- ii. Councilpresidentasaro@lambertvillenj.org
- iii. cityclerk@lambertvillenj.org

CONVENIENCE CENTER HOURS: For additional information, please visit the city's website at: <https://lambertvillenj.org/newsfeed-pages/389-the-city-of-lambertville-convenience-center>

- iv. Saturday, December 5, 2020 from 9 am to 12 noon;
- v. Wednesday, December 16, 2020 from 3 – 5 p.m.

PUBLIC PARTICIPATION/PUBLIC CONCERN

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Mayor Fahl asked for public participation.

Marcia O'Connell, a resident and great supporter of the work of the Council and Mayor reacted to the Mayor's courage in bringing up the horrific comments, that isn't just a recent event, not sure when it started, there has been a tenor of hateful language in the past year that is in explicable to me. Lambertville United has been swaying people from the truth. She recognized what an incredible job the Mayor is, and your actions to help preserve open space among your many supporters, and if there is any law that can be brought to, they can have their voices shut down for hate speech.

Joe Donnelly had one question about the Closson property. He heard the word historic preservation many times, what besides the Holcombe house is historic about that property? Mayor Fahl commented that it is an undeveloped land itself is historic, one of the barns has historic value but it is really just the Holcombe house.

Karen Conlon asked if the City has worked with the Chamber on shopping locally during the holidays? Councilwoman Taylor responded that members of Council have worked with the Chamber since the summer. There is an effort from businesses to offer a discount, the businesses decide to stop that. Lambertville United has an initiative to support people, there are efforts about shopping local, to make sure the downtown looks nice and capitalize on a lot of great volunteers. Thanked them for their support and recognized Stephen Harris from the Chamber.

Councilman Sanders commented as public figures, there should be scrutiny about how we think about our jobs. There is an opportunity for comment and criticism from the public, however there should be a line that is not crossed. We need to be careful we are not seeking to insulate ourselves from appropriate criticism. There are lines that have been crossed in public discourse in Lambertville, and nationally.

Lillie Chen commented in response to the comments tonight, attacking citizens that may not agree with policies of administration. She is part of Lambertville United and she takes great offense to Marcia's comment because it is leading and gives the impression that all this divisiveness and hate and anger is all because of Lambertville United. We provide an opportunity for people like the survey, and she is disappointed that was dismissed by Mayor and Council because we couldn't reach people without internet. Councilman Sanders responded that survey instruments are challenging and done by professionals for reasons. Councilwoman Urbish commented that she didn't discount it, she saw it and review it but her training with survey and polling, led to questions and concerns. There is a lot of good opportunity for community engagement. It is helpful too when asking questions to provide baselevel of information, and include posted information and FAQs. Mayor Fahl asked the Deputy Clerk to promote Sarah Gold as panelist. Sarah talked about plans for the CAT. She said a big part is gathering

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community input. She has created surveys, and is trained as a researcher, and what we are planning on doing is conducting a survey on the full community, as we did over the summer. The survey will include people who may not have internet, reaching out to renters, those who have been in the City long term, short term, representative of who lives in the city. This way they know who is answering the survey so we can insure we are getting information from residents. Substance is important, understand values and interest, open ended questions and multiple choice to capture community concerns. Part of what we have been trying to do is really insuring we are operating based on the same facts. Engaging in meetings with council, disseminate information, ask questions based on those facts. The CAT in the past has completed outreach via email, Facebook, letters, we will do all of those same things, we are continuing q and as, plan on doing design vetting in September, this might be something in partnership with council to have in depth conversations with our neighbors.

Elycia Lerman commented she felt we are looking at things piece meal, we need to look at things holistically, look at the things that are coming up with school board and the potential issues. She asked that the CAT to look at moving the police station to Lilly mansion and the Library to the Closson property. She has concerns about city services, challenge we have with maintaining city equipment, in terms of getting vegetative maintenance, things that used to get done on my street haven't gotten done. Lambertville United just residents deeply concerned looking to make our city the best it can be and work together so that we have a great place to live. Mayor Fahl responded that the City has completed a lot of due diligence, this is not piece meal. She reached out to Jim Cally of the Township of West Amwell to borrow brush clipper to address concern on your street, and we are waiting for them to pass their MOU and then we will address brush. Again, we be looking to use open space maintenance tax outside the public works department, RFP for leaf and brush pick-up. Councilwoman Urbish commented there are challenges on certain maintenance issues, and she understands any frustration out there, I would just like to address, a number of people working on immediate and long-term solutions. Sarah Gold commented that we do have a school board member that sits on the CAT, valuable member of the CAT. Thank you for the suggestion and we will look into that.

Richard Green commented that he wrote to each council member and he did not include the Mayor. He has concerns regarding Mr. Torpey's complaint. He questioned the 57 days of time off, and felt this was the most egregious give away. He has never saw an executive with that time off paid. He expressed concern regarding the comments sited by Mr. Torpey in the complaint. Mayor Fahl commented that as a gay woman, I agree with you. The City Attorney, Mr. Opel commented that the complaint will work its way through the legal process. With regard to the paid time off, employee handbook is readily available. Agreement is publicly available.

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ADJOURNMENT

The meeting adjourned at 9:02 p.m. with a motion made by Councilman Sanders and seconded by Council President Asaro. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege, CMR, RMC, City Clerk

The November 30, 2020 session minutes were approved on December 8, 2020.