



City of Lambertville
WORK SESSION
TUESDAY, APRIL 6, 2021, 7:00 PM
VIRTUAL MEETING USING THE ZOOM MEETING PLATFORM
AGENDA

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 7 p.m. and she 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 meeting notice provided to the Hunterdon County Democrat, the Trenton Times, various individuals on the list serve, department heads and the City Engineer and City Attorney.

This meeting will be recorded using Zoom.

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

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

Also, present: William Opel – City Attorney, Cynthia Ege – City Clerk

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Fahl led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad.

RESOLUTIONS

RESOLUTION NUMBER 45-2021: *A Resolution to Authorize the Person-to-Person Transfer of the Retail Liquor License from DeAnna's to Taverna 54.*

Mayor Fahl informed the members of the public that Resolution Number 45-2021 is on hold until the City receives a closing date and will be carried to the April 22, 2021 meeting agenda.

RESOLUTION NUMBER 60-2021: *A Resolution to Authorize the Amendment of the Contract with Clarke Caton Hintz for the Acquisition of the Closson Project to a Not to Exceed Amount of \$22,750.00 through the Non-Fair and Open Process Funded Through Ordinance Number 17-2020, Preliminary Planning Expenses for the Acquisition of the Closson Property, 260 North Main Street.*

Mayor Fahl informed the members of the public present that this resolution is to authorize the contract with Clarke Caton and Hintz for the completion of applications associated with grant applications.

RESOLUTION NUMBER 60-2020

A RESOLUTION TO AMEND RESOLUTION NUMBER 157-2020, 47-2021,

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AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE ACQUISITION OF THE CLOSSON PROPERTY

WHEREAS, the City of Lambertville has a need to acquire professional services for the acquisition of the Closson property as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Venders have submitted a proposal December 3 and 4, 2020 indicating they will provide professional services; and

WHEREAS, the Vendors noted below have certified that they have not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of these contracts in the one-year period preceding December 8, 2020 to any of candidate committee, joint candidates committee or political party committee representing any of the currently serving members of the Governing Body of the City of Lambertville.

WHEREAS, the Certified Municipal Finance Officer has certified that funds will be available in Ordinance Number 17-2020, once authorized;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville authorizes the City Clerk to enter into a contract with the following professionals with not to exceed amounts as indicated when the funds become available:

City Planner, for the following services, not to exceed a total amount of \$22,750.00 as outlined below:

Open Space and Recreation Plan, if required, not to exceed \$15,000.00

Development Exception Area Map, not to exceed: \$4,250.00

Appraisal Questionnaire/Pre-Appraisal Fact Sheet: not to exceed \$3,500.00

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. and,

BE IT FURTHER RESOLVED that the City of Lambertville will provide the public notice in the next edition of the Trenton Times.

ADOPTED: April 6, 2021

Mayor Fahl asked for a motion to adopt Resolution Number 60-2021. Council President Taylor made the motion and Councilman Stegman seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 61-2021: A Resolution in Support of the Grant Application for the Music Mountain Stabilization Project.

Mayor Fahl informed the members of the public present that this resolution is for an application for the stabilization of the hillside of Music Mountain.

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RESOLUTION NUMBER 61-2021

A Resolution in Support of the Grant Application for the Music Mountain Stabilization Project.

WHEREAS, the House of Representatives Committee on Appropriations solicited municipalities for “Community Project Funding” *and*

WHEREAS, only state, local and tribal governments; publicly owned entities and certain non-profit entities with a quasi-government purpose are eligible to request Community Project Funding; *and*

WHEREAS, the City of Lambertville is comprised of three hills and a downtown area, with a total area of 1.3 square miles; *and*

WHEREAS, historic Music Mountain, formerly the home of the Music Circus, was purchased by the City of Lambertville for Open Space Preservation in 2007 through 2012; *and*

WHEREAS, the park is currently used for recreational uses for families and children including walking trails, and by the boy scouts for many of their Eagle Scout projects; *and*

WHEREAS, Stormwater runoff and damaged ash trees has caused severe erosion that threatens the elementary school, Ely Park, and the properties below who have for years suffered flood damage caused by this erosion; *and*

WHEREAS, this project is shovel ready, with support from the City Engineer, Invasive Species Strike Team and an Arborist are on board and ready to begin a green infrastructure project that will address flood management, hazardous tree removal, reforestation and habitat improvement, *and*

WHEREAS, this project has support from the County of Hunterdon, South Hunterdon Regional School District, and the NJ-15 Assembly and Senate Delegation; and also has support from the Ramblers Football League, Lambertville Parks and Recreation Commission, Lambertville Goes Wild, the Lambertville Community Rating System Committee.

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 grant application for the Community Project Funding from the US House of Representatives is hereby authorized.

ADOPTED: April 6, 2021

Mayor Fahl asked for a motion to adopt Resolution Number 61-2021. Councilwoman Lambert made the motion and Councilman Stegman seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE FIRST READING AND INTRODUCTION

ORDINANCE NUMBER 11-2021: *A Bond Ordinance Providing for the Acquisition of Property Known as 260 North Main Street and Related Site Improvements in and by the City of Lambertville, in the County of Hunterdon, New Jersey, Appropriating \$3,770,000 Therefor and Authorizing the Issuance of \$3,770,000.00 Bonds or Notes of the City to Finance Part of the Cost Thereof.*

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Mayor Fahl informed the members of the public present that after some research and discussions with Green Acres, we found that if the City used the funds in our Open Space account to acquire the Closson property then it will complicate our funding issues with the exception area. This Ordinance is to replace Ordinance Number 10-2021, and will waive the requirement of a down payment. The City will need to file an application with the State of New Jersey, DCA, Local Finance Board for the waiver of the down payment. The resolution immediately following the Ordinance is to authorize the application.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY KNOWN AS 260 NORTH MAIN STREET AND RELATED SITE IMPROVEMENTS IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$3,770,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,770,000 BONDS OR NOTES OF THE CITY TO FINANCE 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,770,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d) as more fully set forth in Section 6(e).

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,770,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of property known as 260 North Main Street and described on the City tax map as Block 1002, Lot 41 (the "Property")	\$2,760,600	\$2,760,600	40 years
b) Site improvements on the Property, including roadway improvements on the Property,	<u>\$1,009,400</u>	<u>\$1,009,400</u>	15 years

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improvements to an existing barn to ensure public safety and accessibility, fencing and landscape improvements				
Totals:		<u>\$3,770,000</u>	<u>\$3,770,000</u>	

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that 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 benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 33.30 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 \$3,770,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services.

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The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 7. 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 or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized 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.

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 11-2021. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by the majority of the members present, with Councilwoman Lambert voting no. MOTION CARRIED.

The public hearing is scheduled for April 22, 2021.

RESOLUTION NUMBER 62-2021: *A Resolution of the City of Lambertville, in the County of Hunterdon, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-7(d) AND 2-11(c).*

RESOLUTION NUMBER 62-2021

RESOLUTION OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d) AND 2-11(c)

WHEREAS, the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") desires to make application to the Local Finance Board for its review and

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approval of the adoption of a bond ordinance of the City appropriating \$3,770,000 and authorizing the issuance of \$3,770,000 bonds or notes in order to provide for the acquisition of property known as 260 North Main Street and related site improvements with a down payment waiver pursuant to N.J.S.A. 40A:2-7(d) and 2-11(c); and

WHEREAS, the City believes that:

- (a) it is in the public interest to accomplish this purpose;
- (b) the purpose is for the health, the welfare, the convenience or the betterment of the inhabitants of the City;
- (c) the amounts to be expended for the purpose are not unreasonable or exorbitant; and
- (d) the purpose is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City;

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

Section 1. The application to the Local Finance Board is hereby approved, and the City's Bond Counsel and auditor, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The Clerk of the City is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE NO

ABSTAIN

ABSENT

The foregoing is a true copy of a resolution adopted by the governing body of the City of Lambertville on April 6, 2021.

Cynthia L. Ege, Clerk

Mayor Fahl asked for a motion to adopt Resolution Number 62-2021. Councilman Stegman 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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NEW BUSINESS/CONSTITUENT CONCERNS

BOUNDARY CHANGE: The City Attorney, Mr. Opel, informed the members of the Governing Body that there was an application before the Planning Board for block 1042, lot 25 and 26, 51 Bridge Street, and one of the conditions required rezoning of the properties fronting on Bridge and Ferry Street. The City Attorney and Planner will provide additional information to the Governing Body so that they can decide how best to proceed.

SHAD FESTIVAL: The Greater Lambertville Chamber of Commerce submitted a letter asking to move Shad Festival to October 9 & 10. The only concern expressed by the Governing Body was avoiding a conflict with Sparkle Week.

SPARKLE WEEK

Mayor Fahl explained to the members of the public that in 2020, due to COVID and the amount of people working from home, the City has almost twice the load. There are two ways to approach this for 2021: Bulk Permit Requirements or initiate a permit fee.

1: charge a base fee to participate at \$150 and you can put anything out you need and if you don't apply and pay for the permit, your Sparkle week stuff won't be collected.

2: bulk stuff that's on the list requires a permit; if no permit, public works won't pick it up; items not on the bulk permit will be picked up at no cost.

Pluses and minus:

1. a base cost for sparkle week would be difficult for folks to get the word around and educate and make create a hub bub, as people feels sparkle week is an amenity in their taxes;
2. Stickers is an added work, and would slow down the pick-up of sparkle week.

The members of the Governing Body will give this some consideration and submit ideas to the City Clerk.

ELIZABETHTOWN GAS Request for Music Mountain – Council President Taylor

Council President Taylor informed the members of the public present that she has been talking with Elizabethtown Gas about the possibility of having gas service on music mountain. Elizabethtown Gas currently services the rescue squad. Elizabethtown Gas came back to the City with a request to only pave the part of the road they disturb. However, the City has a policy that requires curb to curb paving.

Members of the Governing Body expressed concern for the ability of the City to waive this request and concern for precedence. The City Attorney will review the City's Ordinance and make a recommendation to the Governing Body.

PUBLIC PARTICIPATION

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Paul Stevens commented that he had three questions.

1: March 25 video has not been posted to the website yet. Mayor Fahl explained that the Deputy Clerk is on vacation but this will be posted as soon as she returns.

2: When is the introduction of 2021 budget? Mayor Fahl commented that the City is in the process of building the budget right now.

3: With regard to the new approach for partnering with green acres for the fee to waived, are we sure we are not encumbering ourself with future flexibility that we have, the excluded portion of the purchase?. Mayor Fahl commented that this is an excellent question. She has had a long conversation of bond counsel and it is really important that the preserved land does not gum us up with the exclusionary zone and stormwater management that we do. Green acres, Historic Trust are fully supportive of this initiative. This waiver is not a guarantee of the funds, but is by the local finance board, does not encumber us for anything, but Green Acres are aware and supportive in not including exclusionary zone want to ensure that we are doing what we are telling the public what we are doing.

Herb Spiegel asked if the City would consider putting dumpsters on the street or at a location instead of sending a truck around to pick-up for Sparkle Week. Mayor Fahl said that it would cost the same thing and the fees are the issue.

CLOSED SESSION: Authorizing a Closed Session at the April 6, 2021 Session of the Lambertville City Council to Discuss Attorney/Client Issues Related to Contracts and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b) (7).

Mayor Fahl asked for a motion to go into closed session.

RESOLUTION

“Authorizing a Closed Session at the April 6, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Privilege Related to Contracts, Acquisition of Property” Pursuant to: N.J.S.A. 10:4-12 (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, 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 April 6, 2021, using the Zoom Meeting Platform, to discuss the following matters: *Attorney/Client Privilege Matters Related to Contracts, and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(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.

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Mayor Fahl and City Council convened in closed session at 8:44 p.m. with a motion made by Council President Taylor and seconded by Councilman Sanders. An affirmative voice 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 9:25 p.m. with a motion made by Council President Taylor and seconded by Councilman Stegman. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 9:27 p.m. with a motion made by Council President Taylor and seconded by Councilwoman Lambert. 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