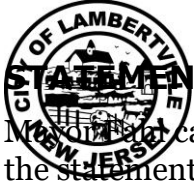


CITY OF LAMBERTVILLE
SPECIAL SESSION
OCTOBER 14, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
200 NORTH MAIN STREET
MINUTES



STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
Mayor Fahl called the meeting to order at 7:00 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:

The meeting notice was provided to the Hunterdon County Democrat, the Trenton Times, department heads, various individuals on the listserv and the meeting agenda was posted to the City's website at www.lambertvillenj.org and on the bulletin board at city hall.

This meeting will be recorded.

The meeting agenda provides for action items at 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 AND MOMENT OF SILENCE

Mayor Fahl led the public in the Pledge of Allegiance and she asked the members of the public to continue standing for a moment of silence in honor of those serving in the United States Armed Forces, those serving on the front lines of COVID and for those impacted by Tropical Storm Ida.

BILLS LIST

Mayor Fahl asked for a motion to approve the Bills List. Councilwoman Lambert made the motion and Councilman Stegman seconded the motion. An affirmative voice vote/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

DISCUSSION & RESOLUTION AUTHORIZING THE MEMORANDUM OF UNDERSTANDING FOR THE CLASS III OFFICER WITH THE SOUTH HUNTERDON REGIONAL SCHOOL DISTRICT

Mayor Fahl informed the members of the Governing Body that Anthony Suozzo, the Superintendent of Schools for the South Hunterdon Regional School District was present to discuss the memorandum of understanding for the hiring of a Class II Officer

**CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 2**

to be stationed at the Lambertville Public School located at 200 North Main Street in the City.

Mr. Suozzo discussed the timeline for renewal of the memorandum of understanding starting with the budget, which included the funding for the Class III officer at the schools. A review of safety and security was completed (District goal #5). The Class III Officer at LPS resigned in July and accepted an open position at the high school. The city posted the class III officer and interviewed candidates. The following has been completed: implemented training, passed a new board policy and regulation, revised the shared services agreement for Lambertville and West Amwell that are in line with the policy. The school is committed to doing the review which can be viewed online. Parent communication was sent out to those on the listserv. The process was reviewed and the roles and responsibilities were discussed and communicated with staff.

The process for approval begins with the City Council's review and adoption of the MOU. If approved, it would go back to the Board of Education to approve by resolution and then it will be signed by both parties and put into effect.

COUNCIL QUESTIONS:

APPROVAL PROCESS FOR MOU: the process outline was defined by the school board attorney.

CRITERIA WOULD BE USED TO DETERMINED IT ISN'T A SUCCESS?

- Focus Groups will be held with staff, students in the building, and from different demographics, community members, open forum, serving staff, and with the social justice class for multiple lessons.
- Safety of Students: It's not just about the Class III officer, it's about the safety of the students.
- Facilities Review: Will also review to see if there are things that need to change with facilities.
- Timeline: The timeline extends out through the month of January and is being conducted with an outside group to put together the findings to present to the board.

IF THE COUNCIL VOTES NO, HOW WILL YOU FILL THIS?

- It is a school board decision, and it is not fair to not have security in this building and they will investigate other means.

HOW OFTEN IS THE POLICY UPDATED AND WHEN WOULD YOU ANTICIPATE MODIFYING THIS?

- The policy committee will review it when a notice is received from our policy/legal notices.
- The draft of the MOU referenced that document and talked about rights and responsibilities and they are in alignment.

**CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 3**

- The school can't change a policy that you already have a shared agreement with. The recommendation will be that it can't be changed until the MOU is up for approval again.

- If the City doesn't approve the MOU, and the board decides to hire an outside firm, the policy will need to be changed.

THE VOTE TO APPROVE THE POLICY APPROVED BY THE BOARD OF EDUCATION: 7 in favor, 1 against, and 1 was absent.

REPORTING: the school is committed and it is currently in place for West Amwell.

LAW IMPLEMENTED FOR CLASS III was discussed. It was implemented after Sandy Hook by a body created to evaluate school safety and then out of that body came a lot of reports that led to legislation passed in 2016.

CONCERNS AT LPS:

- EXTERIOR: primary is external threats, looking at LPS, one concern, based where we are situated and a shared space, concerned about Route 29 and a lot of traffic, in a situation where we are out in the open, I do see the role as an external threat.

- INTERNAL: If there was an issue of safety at risk, they would play a role in that, but the primary is to focus on the external.

OPTION TO OPT OUT OF THE PRESENCE OF A CLASS III OFFICER:

- We are a regional district and struggle with that concept. What we do for one, we should do for all rather than some have it and some don't.

- Concern was expressed by the Council and they felt when you factor in culture and community preference it isn't always so black and white, suggesting room for some flexibility in the policy with some sort of scale where they say you can do this for some period of time but at this point you have to come on board.

- City decides not to vote on MOU:

- Outside source would carry a weapon

- Report directly to the Superintendent of Schools

HAVE THERE BEEN ANY INTERNAL INVESTIGATIONS? No.

IS LAMBERTVILLE PROTECTED FROM LITIGATION FOR OFFICER MISCONDUCT. Discussion regarding an incident in another school in another state ensued. Is the city protected from that legal action?

- Class III Officer is an employee of the city.

- Two different indemnification provisions and that's standard for contracts involving public entities.

- cross indemnification between the city and school.

**CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 4**

- The city would be responsible for defense and fees; and negligence. The city would be indemnified for the actions by the board.
- Any employee of the city with intentional negligence, or inaction, the city would be responsible as would be for any police officers. If an officer is found to have engaged in misconduct, student harassment, or failure to identify a threat? That would be referred to the officer in charge (Lt. Brown) to do an internal investigation and there are things in the policy that would protect the city.

ROLE THE CITY IS PLAYING IN APPROVING OR NOT APPROVING POLICY DECISION. The board sets out the review process that includes this position. At this time, we have a position that was vacated and we want to fill, we need the council to approve this agreement to move forward with the hire.

COMPLAINTS FILED BY TEACHERS: children of color might not feel empowered to come forward. A reporting system is in place with a liaison and an incident report with a confidentiality piece. This is shared with students at the start of the school year.

SHRSD has put a lot of money into the counseling program. The teacher would refer the student to a school counselor and any support within school or outside of school, we would work with the parents.

MOTION TO TABLE THE AGREEMENT: Councilwoman Taylor made a motion to table the agreement to the October 21, 2021 session for the following reasons:

- The form of the agreement is a moving document and we only received the last version a little while ago;
- Confusion around the process for approving the MOU;
- Important to hear input from the public.

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 Council President Taylor and Councilman Sanders to work with the Superintendent to get the questions answered and to act on the 21st so we can continue to move at the pace the board has requested.

PUBLIC COMMENT

Judy Gleason asked about the type of communication available to the public between now and the October 21 meeting so people will be better prepared. Mayor Fahl responded that all of the board's communication, policy, minutes, are all available to the public as of right now; we do not issue draft agreements prior to voting for them. The City Attorney commented that the City doesn't want to circulate a draft document until the final is done; that is the intent in not disclosing.

Shaun Ellis thanked the Governing Body for not taking action. He asked if the policy and shared service agreement are the same thing, why do they require separate votes? When

CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 5

will we see the shared service agreement? He said he had to OPRA the last one. Finally, there was zero support for this – I don't know what to say if you vote for it you are supposed to represent.

The School Superintendent, Anthony Suozzo, commented that there are a few things in the MOA that wouldn't go into a policy, compensation, hourly rate, that is the difference as to why there are separate documents. Pension and the vehicle are provided by the city, and the district pays for training. Councilman Sanders responded that the law that created the Class III Officer was designed to provide less expensive, not a pension obligation with the focus on hiring retired law enforcement personnel.

Mayor Fahl responded that the OPRA documentation is available to the public upon request, OPRA is a process which is standard for city contracts.

Councilwoman Lambert asked for clarification on the term annual basis and if that meant it was based on the date of approval. The City Attorney responded that it could be and would be better defined in the final document.

Sharra Durkee thanked the council for delaying this vote and she said she was hoping for a delay. She said this is a very serious matter, and we need to have a city-wide conversation and she would reach out to meet each council person directly. She stated her understanding is they (the school board) didn't vote specifically, what we learned at the school board meeting is they couldn't vote on keeping in the officer because it was embedded in the budget, the only thing they could do was vote down the entire budget. When policy number 7440 came up this summer, the only reason they voted for that was because there was no policy before. Their understanding was that this gave them the time to pull out every year to give them a vote and she said it was misleading to say the entire board supported this.

Evan Lide commented that he has criticized the council in the past but wanted to thank you for all you are doing for the flood victims. When you do the research and see who created the Class III, it's not an educator, it's the police chiefs. There is no superintendent, it's a policing idea. He said this should go in front of the school board to vote on it, and come back with it when it passes.

Lia Hunt, who lives in Stockton, thanked the council for delaying the vote to postpone.

Filomena Hengst, a school board member, said she was speaking as an individual. She reported that the school board has not had an opportunity to vote on this yet. They voted on the budget, and policy number 7440 was approved with the understanding it would be a long time before implementation and the old version was worded vaguely, and never a clear vote on the issue. She said she is supporting further investigation. She feels that a police officer's presence isn't welcoming for people of color. A lack of evidence remains a reason to not move forward but take a pause until we can prove it.

CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 6

Susan Rovello asked about the requirement of quarterly reports, incidents, or just for accountability and part of the issue is a lack of accountability. Has the council received those reports? Councilwoman Taylor responded that they were not received, but it was under a different Superintendent and Mr. Suozzo said he is committed to the reporting. This agreement requires it. Ms. commented that she attended board meetings to educate herself and there is a lot to this. One of the things she read showed an increase in drop-out rates in black high schools and a decline in scholastic achievement. She said she was glad the council decided to wait on the vote and allow public comment.

ANNOUNCEMENTS

Mayor Fahl read the announcements into the record.

Convenience Center Hours for October:

Saturday, October 16, 2021 from 9 am to 12 Noon

Wednesday, October 20, 2021 from 3 – 5 pm

PUBLIC COMMENT

Mayor Fahl asked for public comment.

Councilman Stegman asked for the drop-out rate at the high school.

Councilwoman Taylor asked if there is a way to have statements or stories provided by students of color. All comments should be directed to the City Clerk. There is a liaison in place for students, it sounds like it would be worthwhile to make that an active effort if we can get those stories to us.

Councilwoman Lambert asked if there is a robust outreach program to bring circumstances forward. The school superintendent commented that it is the whole reason the board committed to review it and provide focus groups that will happen in the next five months.

Councilwoman Lambert asked about the status of virtual meetings, if we could clarify where we are with that? Mayor Fahl responded that the city ordered an Owl that integrates with a virtual meeting and it is on backorder. The intent is to stream live but will not include public comment. Councilwoman Taylor commented that with all due respect, not all agree that there can be no remote comment, she wants to push for the Council to reconsider. Mayor Fahl commented that this is open for conversation, and she is happy to move it onto an agenda. She feels strongly that allowing people to comment in the comfort of their homes encourages negative and violent conversation, and social pressure to be appropriate in public.

Councilwoman Lambert asked about the status of property taxes for property damaged by Ida, to my understanding there has been no government action to change the status. Mayor Fahl responded that the City Tax Assessor cannot take action until 2022 based on

**CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 7**

the damage, and it is part of their statutory responsibility. They will work to reassess the homes damaged by IDA.

CLOSED SESSION: Closed Session of the Governing Body of the October 14, 2021 Lambertville City Council Meeting to discuss Attorney/Client Issues related to Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the October 14, 2021 Lambertville City Council Meeting to Discuss Attorney Client issues related to Contracts pursuant to N.J.S.A. 10:4-12(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, 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 October 14, 2021, at the Lambertville Public School, to discuss the following matters: *Contracts*.

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: October 14, 2021

Mayor Fahl and City Council convened in closed session at 8:31 p.m. with a motion made by Councilman Sanders and seconded by Council President Taylor. 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 8:46 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 8:46 p.m. with a motion made by 8:46 and seconded by Councilman Stegman and seconded by Councilman Sanders. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**CITY OF LAMBERTVILLE
VOTING SESSION
OCTOBER 14, 2021, 2021, 7:00 P.M.
LAMBERTVILLE PUBLIC SCHOOL
MINUTES
PAGE 8**

Respectfully submitted,

Cynthia L. Ege
CMR, RMC, City Clerk