



CITY OF LAMBERTVILLE
VOTING SESSION MEETING
FEBRUARY 18, 2021, 5:00 P.M.
VIRTUAL MEETING
USING THE ZOOM MEETING PLATFORM
AGENDA

I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

This meeting is being held in compliance with the Open Public Meetings Act with the annual notice advertised in the January 11, 2021 Trenton Times, notice was provided to the Hunterdon County Democrat and the Trenton Times, members on the list serve, to department heads, the City Attorney and City Engineer, and the meeting agenda was posted on the Bulletin Board at City Hall, the glass doors of the elevator entrance, and to the City's website at www.lambertvillenj.org.

The meeting agenda provides for action items at the extent known at the time of publication.

This meeting will be recorded using the Zoom meeting platform.

II. ROLL CALL

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

III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces and for those serving on the front lines of COVID.

IV. CLOSED SESSION: Authorizing a Closed Session at the February 18, 2021 Session of the Lambertville City Council to Discuss Attorney/Client Issues Related to Personnel, Contracts and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b) (7&8).

RESOLUTION

"Authorizing a Closed Session at the February 18, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Privilege Related to Personnel, Contracts, Acquisition of Property" Pursuant to: N.J.S.A. 10:4-6 (7&8)

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 February 18, 2021, using the Zoom Meeting Platform, to discuss the following matters: *Attorney/Client Privilege Matters Related to Personnel, Contracts, and Acquisition of Property Pursuant to N.J.S.A. 4-12 (7&8).*

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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ADOPTED:

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

V. MEETING MINUTES

MOTION 1:

Determination from the City Attorney: Last meeting we tabled approval of minutes for the (I believe) December 8, 2020 meeting because I was not able to confirm whether there were enough voting members to carry the resolution. The Governing Body can vote to approve these meeting minutes. The meeting will open with a quorum, and the vote will require a majority of voting members to adopt. The Mayor and Councilwoman Taylor will be the only voting members, as abstentions do not count as votes. Accordingly, if both vote to approve, the resolution will carry.

December 8, 2020 Voting Session Minutes

December 8, 2020 Closed Session Minutes

MOTION 2:

January 5, 2021 Reorganization Session

January 15, 2021 Retreat

January 15, 2021 Closed Session

January 21, 2021 Open Session

February 2, 2021 Work Session

VI. RESOLUTIONS

Consent Agenda: *The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.*

RESOLUTION NUMBER 37-2021: *A Resolution to Amend Bulk Rate Garbage Fees to bring them more in Line with the Tonnage Fees.*

BULK TRASH PERMIT

PURSUANT TO CITY CODE 12-4, AND ESTABLISHED BY RESOLUTION NUMBER 37-2021
ADOPTED ON FEBRUARY 18, 2021

ITEM	Current Fees	Proposed Fees
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Plastic bags for furniture	3.00	\$5.00
Bathtub	50.00	\$50.00
Toilet	10.00	\$15.00
Bed Frame	2.00	\$10.00
Chair	10.00	\$15.00
Couch	25.00	\$50.00
Dresser	15.00	\$25.00
Headboard/Footboard	6.00	\$15.00
Sofa/Love Seat	15.00	\$35.00
Mattress or Box Spring		
Single/Twin	10.00	\$20.00
Full/Double	15.00	\$30.00
Queen	20.00	\$40.00
King	25.00	\$50.00
Rugs or Carpet Padding		
Smaller than 9 x 12	6.00	\$12.00
Larger than 9 x 12	12.00	\$24.00
Compactor	5.00	\$15.00
Dishwasher	5.00	\$15.00
Door	\$5 Hollow, \$8 Wood	\$15.00
Dryer	5.00	\$15.00
Entertainment Center	25.00	\$35.00
Extra Bags (per bag)	6.00	\$7.50
Grill without gas tank	5.00	\$15.00
Hopper Load	50.00	\$75.00
Shed – Aluminum	5.00	\$35.00
Shed – Wooden	35.00	\$35.00
Sink	5.00	\$15.00
Stove	10.00	\$15.00
Various Metals	25.00	\$35.00
Various Wood	35.00	\$35.00
Washer	5.00	\$15.00
Water Heater	10.00	\$15.00

RESOLUTION NUMBER 38-2021: A Resolution Authorizing the Cancellation of Special Emergency Appropriations for the Purpose Set

RESOLUTION NUMBER 38-2021

RESOLUTION AUTHORIZING THE CANCELLATION OF SPECIAL EMERGENCY APPROPRIATIONS 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

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WHEREAS, the City of Lambertville, in the County of Hunterdon, New Jersey appropriated 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," 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); and

WHEREAS, the actual deficit experienced was less than the amount of the amount originally certified; and

WHEREAS, pursuant to Local Finance Notice 2020-24, the City wishes to cancel the differences in the following amounts:

<u>DEFICIT IN OPERATIONS</u>		
ORIGINAL AMOUNT	\$	395,000.00
AMOUNT TO CANCEL	\$	(17,154.65)
BALANCE	\$	377,845.35
<u>APPROPRIATION</u>		
ORIGINAL AMOUNT	\$	43,000.00
AMOUNT TO CANCEL (LGEF GRANT)	\$	(20,507.00)
BALANCE	\$	22,493.00

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lambertville, in the County of Hunterdon, New Jersey that, the City's Chief Financial Officer is hereby authorized to cancel the balances referenced herein.

RESOLUTION NUMBER 39-2021: A Salary & Wage Resolution for the Shared Services Agreement with the Borough of Frenchtown for Construction Services.

RESOLUTION NUMBER 39-2021

A Salary & Wage Resolution for the Shared Services Agreement with the Borough of Frenchtown for Construction Services

WHEREAS, the City of Lambertville serves as the lead agency for Construction Services with the Borough of Frenchtown and salary & wage is due to Construction, Electric, Plumbing and Fire Subcode Officials for the work completed in 2021.

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 Payments is hereby authorized:

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_____ Tim Dieterman, Plumbing Subcode Official	\$10,000
_____ Keith Steele, Electric Subcode Official	\$10,000
_____ Ken Rogers, Construction Official	\$25,000
_____ Ken Rogers, Building Subcode Official	\$20,000
_____ Ken Rogers, Fire Subcode Official	\$10,000

BE IT FURTHER RESOLVED that the total salary amount for Frenchtown Construction Services will not exceed the \$82,572.11 appropriated in the 2021 budget.

ADOPTED: February 18, 2021

RESOLUTION NUMBER 40-2021: A Resolution to Request \$72,000 from the Lambertville Municipal Utilities Authority.

RESOLUTION 40-2021

A Resolution Requesting \$72,000 from the Lambertville Municipal Utility Authority, Pursuant to P.L. 2204, c. 87

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

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

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

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

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

WHEREAS, the City of Lambertville has anticipated the Lambertville Municipal Utility Authority appropriation of \$72,000 as a Special Item of Revenue in the proposed 2021 municipal budget.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey does hereby request that the Lambertville Municipal Utility Authority transfer \$72,000 to the City of Lambertville.

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RESOLUTION NUMBER 41-2021: *A Resolution to Authorize the Mayor and City Clerk to Sign the Discharge of Mortgage for Marie Collins, Block 1005, Lot 38, in the Amount of \$14,857.00 recorded on June 4, 1996 and \$25, 000 recorded on April 15, 2005.*

NOTE: *hold to the March 18 Voting Session.*

RESOLUTION NUMBER ~~41-2021~~

A Resolution to Authorize the Mayor and City Clerk to Sign the Discharge of Mortgage for Marie Collins, Block 1005, Lot 38, in the Amount of \$14,857.00 recorded on June 4, 1996 and \$25,000 recorded on April 15, 2005.

WHEREAS, the City of Lambertville filed the following mortgage notes with the County of Hunterdon for Marie Collins for the property at 203 North Union Street, Block 1003, Lot 8 As Shown on the Tax Map in the City of Lambertville:

June 4, 1996 in the amount of \$14,857.00
April 15, 2008 in the amount of \$25,000.00 ———

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 mortgage notes for Marie Collins for the property at 203 North Union Street, Block 1005, Lot 38 for the Small Cities Grants have been paid in full; and

BE IT FURTHER RESOLVED that and the City Clerk is hereby authorized to file the Discharge of Mortgage with the County of Hunterdon.

ADOPTED: February 18, 2021

RESOLUTION NUMBER 42-2021: *A Resolution to Award the Bid Received on January 28, 2021 for the Catch Basin Project TO Kalogridis in an Amount not to Exceed \$30,700.00.*

Note: *Pending Review by Engineer.*

RESOLUTION NUMBER 42-2021

A Resolution to Award or Reject the Bids Received for the Catch Basin Repair Project

WHEREAS the City of Lambertville advertised for bids for the Catch Basin repair project on January 7, 2021 in the Trenton Times; and

WHEREAS bids were received and officially opened using the virtual meeting application Zoom on Thursday, January 28, 2021 at 10 am; and

WHEREAS the City received the following proposals:

<u>Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
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Nava Construction, LLC	1216 Stockton Drive, North Brunswick, NJ 08902	\$26,550.00
Messercola Excavating Co.,	549 East Third Street, Plainfield, NJ 07060	\$28,985.00
ADS Site Contractors	52 Crooks Cross Road, Pittstown, NJ 08867	\$30,000.00
Kalogridis Contracting LLC	22 Mare Haven Court North Brunswick, NJ 08902	\$30,700.00
DeSantis Construction, LLC	PO Box 6030, Somerset, NJ 08876	\$31,550.00
Onorati Construction Co., Inc.	19D Elcock Avenue, Boonton, NJ 07005	\$41,626.57
Capital Paving & Contracting, LLC	1225 Route 31 South, Lebanon, NJ 08833	\$44,230.00
Rahn Contracting	534 N. Black Horse Pike, Blackwood, NJ 08012	\$74,786.00
Diamond Construction	35 Beaverson Blvd, Suite 12C, Brick, NJ 08723	\$119,000.00
Waters & Bugbee	75 South Gold Drive, Hamilton, NJ 08691	\$126,130.00

WHEREAS, the City Engineer reviewed the proposals and has determined that the bid submitted by Kalogridis Contracting LLC in the amount of \$30,700.00 is responsive and responsible; and

WHEREAS, the CMFO has certified that the funds are available in Ordinance Number 08-2021.

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 bids received for the 2021 Catch Basin Repairs Project hereby awarded to Kalogridis Contracting LLC in an amount not to exceed \$30,700.00.

ADOPTED: February 18, 2021

RESOLUTION NUMBER 43-2021: *“Resolution Appointing Helen T. Kuhl to Serve as the Municipal Housing Liaison for the City of Lambertville”*

“Resolution to Amend Resolution Number 08-2021, Appointing Helen T. Kuhl to Serve as the Municipal Housing Liaison for the City of Lambertville”

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., all municipalities with substantive certification from COAH, and those that are actively seeking substantive certification are required to appoint a Municipal Housing Liaison for the administration of Lambertville’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the March 10, 2015 N.J. Supreme Court issued a ruling that transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mt. Laurel trial judges; and

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WHEREAS, a municipality may no longer wait for COAH to adopt third round rules before preparing new third round housing plans and municipalities must now apply to the Court, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits; and

WHEREAS, the City of Lambertville is actively seeking a Judgment of Repose from the Mt. Laurel trial judge, the court-equivalent of COAH's substantive certification, for the Third Round; and

WHEREAS, Lambertville amended its ordinances to provide for the appointment of a Municipal Housing Liaison to administer Lambertville's affordable housing program on May 7, 2003; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville in the County of Hunterdon and the State of New Jersey that Helen T. Kuhl, the Director of Public Assistance, are hereby appointed by the Governing Body of Lambertville as the Municipal Housing Liaison or their appointee for the administration of the affordable housing program.

ADOPTED: February 18, 2021

RESOLUTION NUMBER 44-2021: A Resolution to Authorize the Refund of an Overpayment of No Parking Signs for a Road Job Conducted on January 25, 2021 in the Amount of \$36 to Richard Yard Plumbing.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville that the refund for no parking signs to Richard Yard Plumbing purchased for a road job conducted on January 25, 2021 in the amount of \$36.00 is hereby authorized.

End of Consent Agenda

RESOLUTION NUMBER 45-2021: A Resolution to Authorize the Transfer of ABC License for 1017-33-003-003 from DeAnna's of Lambertville LLC to Taverna 54 LLC, advertised in the February 4 and February 11 edition of the Trenton Times.

Note: As of this date, we have the following outstanding items:

Outstanding items:

Tax Clearance for Taverna 54 LLC

Advertisement

The applicant's attorney said they advertised in the February 4 and February 11 edition of the Times. This item may need to be carried to the March 2, 2021 Work Session.

RESOLUTION NUMBER 46-2021: A Resolution to Authorize the Amendment of the Contract with BRS, Inc. for the Phase I of the Closson Project to a Not to Exceed Amount of \$27,130.64 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.

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RESOLUTION NUMBER 46-2020

A RESOLUTION TO AMEND RESOLUTION NUMBER 157-2020, 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:

Civil Engineer: Brownfield Redevelopment Solutions, Inc. to amend the not to exceed amount FROM \$4,200 TO \$27,130.64, funded through Ordinance Number 17-2021, Preliminary Planning for the Acquisition of the Closson Property.

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: February 18, 2021

RESOLUTION NUMBER 47-2021: A Resolution to Authorize the Award of a Non Fair and Open Contract for an Interim Business Administrator Awarded through the Non-Fair and Open Process to Work with the Staff and Prepare the 2021 Budget in an Amount Not to Exceed \$16,800.00 for a Period of 1 Year.

RESOLUTION NUMBER 47-2021

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE INTERIM BUSINESS ADMINISTRATOR

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WHEREAS, the City of Lambertville has a need to acquire professional services for the 2021 budget preparation 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 may exceed \$17,500; and,

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

WHEREAS, Venders have submitted a proposal February 12, 2021 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 February 12, 2021 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 the 2021 Budget, 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 MDA in an amount not to exceed \$16,800.00.

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: February 18, 2021

RESOLUTION NUMBER 48-2021: *A Resolution to Authorize the Refund of Overpayments of First Quarter Taxes to Wells Fargo and Corelogic.*

Note: Refund involved Mayor Fahl's property. She will recuse herself from voting.

A Resolution to Authorize Overpayments of Second Quarter Taxes to Wells Fargo and 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 second quarter tax payments to Wells Fargo and Corelogic for the following is hereby authorized:

Wells Fargo:

- a. Blk- 1002 lot-57 \$2285.41

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b. Blk- 1048 Lot- 49.07 \$1258.20

c. Blk- 1083 Lot- 9 \$1893.41

Corelogic:

a. Blk-1006-lot-22 \$2117.73

b. Blk-1016-lot- 18 \$2355.37

c. Blk- 1025-lot-19- \$2697.96

d. Blk-1070-lot-7.07 \$1683.51

ADOPTED: February 18, 2021

NEW ADDITION:

Resolution Number 49-2021: A Resolution to Authorize the Affordability Assistance as Required in the Endorsed Spending Plan for Affordable Housing, Description of Anticipated Use of Affordable Housing Funds, letter (b), Converting low-income Units to Very-low Income Units or Creating New Very-low Income Units

Resolution Number 49-2021

A Resolution to Authorize the Affordability Assistance as Required in the Endorsed Spending Plan for Affordable Housing, Description of Anticipated Use of Affordable Housing Funds, letter (b), Converting low-income Units to Very-low Income Units or Creating New Very-low Income Units

WHEREAS, the Governing Body of the City of Lambertville authorized and endorsed by Resolution Number 66-2020, the Spending Plan for Affordable Housing on June 10, 2020; and

WHEREAS, Laura Scully made an application to the Planning Board on xx, for a deed-restricted affordable housing unit at 26 South Main Street in the City of Lambertville; and

WHEREAS, the deed was filed with the County of Hunterdon on December 28, 2020; and

WHEREAS, the Zoning Board/Planning Board adopted a resolution on xx-xx-2020 recommending the expenditure of the development fee as set forth in the spending (reference, page 5, Administrative Mechanism to Collect and Distribute Funds, (b) Distribution of development fee revenues); and

WHEREAS, in accordance with the 2020 Endorsed Spending Plan (page 7, letter (c) Accessory Apartment Program:, the City will contribute a minimum of \$20,000 per unit), In accordance with a memorandum issued by Triad Associates dated, January 11, 2021, payments for 26 South Main Street shall be paid as follows: total payout of \$20,000, with installments due and payable in three payments (25% upon permit; 25% when the unit is ready for rental, 50% one the lease is signed).

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NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, that the request for funds from the City's Affordable Housing Trust Fund for the purpose of constructing one Affordable Housing Unit which is deed restricted in an amount not to exceed \$20,000 is hereby authorized with the following schedule:

Installment 1, 25% or \$5,000 upon recording of the deed (recorded in the County of Hunterdon on December 28, 2021;

Installment 2, 25% or \$5,000 upon determination of the construction official, the unit is ready for rental;

Installment 3, 50% or \$10,000 upon the signing of a lease.

BE IT FURTHER RESOLVED, that prior to the issuance of funding, applicants who appeared before the Planning and/or Zoning Board of Adjustment must have their escrow account funding in good standing.

ADOPTED: February 18, 2021

VII. BILLS LIST

VIII. ORDINANCES – FIRST READING

a. ORDINANCE NUMBER 01-2021: An Ordinance to amend the Lambertville City Code, 2014, Dumpster Permit

Note: This is not regarding the City's Third Can/Food Waste Program.

We have a couple of changes to add to this ordinance and they include:

Hardships can apply to the Governing Body for a waiver;

Limit of number of dumpsters to one for each occurrence.

ORDINANCE 01-2021

An Ordinance to amend the Revised General Ordinances of the City of Lambertville, 1990, Chapter XII: Sanitation; Recycling

BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the revised general ordinances of the City of Lambertville, 1990, Chapter XII Sanitation, Recycling be amended as follows:

Section 12-3.2 Definitions. As used in this section:

City shall mean the City of Lambertville.

Dumpster shall mean a container or debris-transfer body commonly used for the placing and/or collection of debris and building materials during building construction and/or renovations which, for the purposes of this section, shall include movable storage units containing refuse or debris.

POD shall mean a container for the purpose of storing items used for the placing and/or collection of household items, furniture, and or supplies.

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Section 12-3.6 Permit Term; Expiration, Additional fees is amended as follows:

- a. No permit shall be granted by the City Clerk for a term longer than seven (7) days.
- b. Permits issued within a six-month time frame shall pay the following fees:
 - a. Permit 1, initial application, seven (7) day period: \$50.00
 - b. Permit 2, second application, seven (7) day period: \$100.00
 - c. Permit 3, third application, seven (7) day period: \$125.00
 - d. Permit 4, fourth application, seven (7) day period: \$150.00
- e. Permits issued beyond four weeks within a six-month time frame shall only be granted for special circumstances which shall be outlined in a letter to the City Clerk. The fee shall be \$175.00 per week beyond the initial four-week time frame and must receive approval from the following departments: Public Works, Police Department, and the Clerk.
- c. Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster, POD or similar container from the sidewalk, street, or public place.
- d. Failure to remove the dumpster, POD, or container after the expiration of the permit shall result in a fine of \$500.00 per occurrence.

This ordinance shall take effect immediately upon adoption according to law.

Introduction: February 18, 2021

Adoption: March 18, 2021

- b. ORDINANCE NUMBER 02-2021: *An Ordinance to amend the Lambertville City Code, 2014: Pay to Play Ordinance*

ORDINANCE NUMBER 02-2021

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ESTABLISHING REGULATIONS FOR THE AWARD OF PUBLIC CONTRACTS TO POLITICAL CONTRIBUTORS

WHEREAS, the City of Lambertville (the “City”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Governing Body of the City desires to amend the City Code of Ordinances (the “Code”) Chapter 2, Administrative Code, to add Article XIII, Public Contracts, to ensure adequate regulation of political contributions made to elected City officials; and

WHEREAS, the Governing Body has determined that such regulations are necessary to ensure public confidence in the award of public contracts to certain political contributors performing business within the City; and

WHEREAS, the Governing Body has determined that it would be in the best interest of the City to amend Chapter 2 of the Code as follows:

ARTICLE XIII PUBLIC CONTRACTS

§ 2-13 PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS.

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§ 2-13.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the City, or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional or insurance coverage services or any other consulting services, from any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any City of Lambertville municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any City of Lambertville party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) within one (1) calendar year immediately preceding the date of the contract or agreement.

b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the City or any department or agency thereof or of its independent authorities for the rendition of professional or insurance coverage services or any other consulting service shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any City of Lambertville municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any City of Lambertville party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties between the time of first communications between that business entity and the City regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional or insurance coverage services or any other consulting services and which may be an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

d. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Governing Body of the City of Lambertville and the Mayor of the City of Lambertville if the contract requires approval or appropriation from the Governing Body.
2. The Mayor of the City of Lambertville, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

§ 2-13.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Governing Body, or municipal party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

§ 2-13.3 Contribution Statement by Professional Business Entity.

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a. Prior to awarding any contract or agreement to procure professional services or insurance coverage services or any other consulting services, with any professional business entity, the City or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution in violation of Section 2-13.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the City and shall be in addition to any other certifications that may be required by any other provision of law.

§ 2-13.4 Return of Excess Contributions.

A professional business entity or City candidate or officeholder or municipal party committee or PAC referenced in this section may cure a violation of Section 2-13.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Governing Body in writing and seeks and receives reimbursement of a contribution from the City candidate or municipal political party or PAC referenced in this section.

§ 2-13.5 Emergency Exceptions.

Notwithstanding the foregoing, the Governing Body recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Governing Body with regard to same. No such emergency contracts, however, may be awarded without submission to the City Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

§ 2-13.6 Penalty.

a. It shall be a breach of the terms of the City of Lambertville professional service agreement for a business entity to:

1. Make or solicit a contribution in violation of this section;
2. Knowingly conceal or misrepresent a contribution given or received;
3. Make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
4. Make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of the City of Lambertville;
5. Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section;

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6. Fund contributions made by third parties, including consultants, attorneys, family members, and employees;

7. Engage in any exchange of contributions to circumvent the intent of this section; or

8. Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future City of Lambertville contracts for a period of four (4) calendar years from the date of the violation.

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 Governing Body hereby amends Chapter 2 of the Code as set forth herein above.
3. It is the intent of the Governing Body to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 2 of the Code shall remain unchanged and have full force and legal effect.
4. If any section, paragraph, subdivision, clause, sentence, phrase, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk, and shall be provided to the Secretary of State of the State of New Jersey.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCTION AND FIRST READING: February 18, 2021

PUBLIC HEARING AND SECOND READING: March 18, 2021

c. ORDINANCE NUMBER 03-2021: *A Multi-Purpose Bond Ordinance to Fund the Fund Equipment Upgrades for the Vehicles Owned by the City of Lambertville in an Amount of \$33,500 plus bonding fees.*

Consideration is being given to the best way to proceed with this bond ordinance. An update will be available Friday afternoon.

- i. Street Sweeper: \$23,500 (estimate)
- ii. Public Works Vehicle F350, Wiring: \$2,500
- iii. Public Works Skid Steer: \$2,500
- iv. Buffer: \$5,000

*BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF VARIOUS
EQUIPMENT AND TRUCKS IN AND BY THE CITY OF LAMBERTVILLE, IN THE*

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*COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$33,500 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$31,900 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
\$33,500, including the sum of \$1,600 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 \$31,900
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 improvement heretofore authorized and the purpose for the financing of
which the bonds are to be issued is the rehabilitation of various equipment and trucks, including, but not
limited to, a street sweeper, a pick-up truck and a skid steer, 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.*

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no 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.

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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 5 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 \$31,900, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$3,500 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.

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

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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 purposes or improvements described in Section 3(a) 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

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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.

e. ORDINANCE NUMBER 04-2021: *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 40 Delaware Avenue.*

ORDINANCE NUMBER 04-2021

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 40 Delaware Avenue.

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front of 40 Delaware Avenue by Philip J. Faherty, Jr. is authorized as follows:

Delaware Avenue, between Union and Main Street, on the north side of the street in front of 40 Delaware Avenue.

INTRODUCED: February 18, 2021

PUBLIC HEARING AND ADOPTION: March 18, 2021

IX. ORDINANCES – SECOND READING

None

X. COUNCIL SUBCOMMITTEE UPDATES

Mayor Fahl - Discussion on Policy for Refunding fees for Zoom Errors

Councilwoman Lambert – Parks and Recreation Commission, Green Team

Councilman Sanders – Pay to Play Ordinance, Marijuana Ordinance, PennEast Pipeline

Councilman Stegman – Hunterdon County Economic Development Grant regarding Zoning Ordinances

Councilwoman Taylor – Human Rights Commission

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XI. ANNOUNCEMENTS

DOG AND CAT LICENSES are due no later than Friday, February 26 to avoid the late fee. Please include a copy of your pet's valid rabies vaccination.

PARKING STICKERS expired 12/31/2020! You must reside in front of a metered parking space; the vehicle must be owned by you and your license and registration must be tied to the address UNLESS you own property elsewhere. Questions? Call Tina at 609-397-0110, ext. 12.

XII. PUBLIC COMMENT

XIII. ADJOURNMENT