

City of Lambertville
REGULARLY SCHEDULED MONTHLY SESSION
MAYOR AND COUNCIL
7:00 P.M. MONDAY, JANUARY 18, 2010
THE JUSTICE CENTER, 25 SOUTH UNION STREET
MINUTES

The meeting was called to order by Mayor David DelVecchio at 7:00 p.m. with a statement of compliance with the Open Public Meetings Act, noticing The Beacon, The Democrat, the Times, the Bulletin Board at City Hall and the website.

Roll Call.

Mrs. Ege called the roll as follows:

Present: Councilwoman Asaro (via phone), Councilman Sanders, Council President Stegman, Mayor DelVecchio.

Also Present: Elaine Warner, Robert Warner, Rhett Warner, Juliana Warner, Meagan Warner, Public Works Director Cronce, Police Director Cocuzza, Steve Wolock, Derek Roseman, Linda Seida and Renee Kiriluk-Hill.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

Mrs. Ege led the public in a moment of silence in recognition of the Lambertville citizens and all others serving with the Armed Forces of the United States of America.

Councilman Sanders led the public in a moment of silence in honor of Martin Luther King recognizing him for his efforts with the Civil Rights Movement.

APPOINTMENT TO COUNCIL.

Mayor DelVecchio addressed the public and stated that Councilman Ron Pittore resigned from his seat on City Council on December 24, 2010. Council formally accepted his resignation at the special meeting of December 29, 2009. Democratic Chairperson Stewart Palilonis submitted a letter recommending three people to fill the vacancy in accordance with Title 40A:16-5, filling vacancies, and recommending Derek Roseman, Helen T. Kuhl, or Elaine Warner.

Mayor and Council met with the candidates and decided to appoint Elaine Warner to the vacant seat. Mayor DelVecchio stated he knew he made the right decision when he informed Derek Roseman, a fellow member of School Board and he was mad that Elaine would no longer be a member of the Lambertville Board of Education.

Resolution 2010-24, Appointing a qualified person to serve on City Council to fill the unexpired term of Ronald Pittore, which expires December 31, 2011.

Mayor DelVecchio informed the public that Ronald Pittore resigned from his seat on Council on December 24, 2009. Mayor and Council formally accepted his resignation at a special meeting of December 29, 2009. In accordance with NJ Statute, the head of the Democratic Committee, Stewart Palilonis, submitted three names in a letter dated January 7, 2010 for consideration in filling the vacancy. The names submitted include: Derek Roseman, Helen T. (Bambi) Kuhl and Elaine Warner.

WHEREAS, the City of Lambertville has a vacancy, due to the resignation of Ronald Pittore who submitted his letter on December 24, 2009, and

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WHEREAS, Mayor and Council of the City of Lambertville officially accepted the resignation of Ronald Pittore from his seat on Council at their special meeting held on Tuesday, December 29, 2009, and

WHEREAS, in accordance with New Jersey Statute, Title 40A:16-5, Filling vacancies in municipalities holding general elections, section b., the governing body may fill the vacancy temporarily by appointment as hereinafter provided, and

WHEREAS, in accordance with New Jersey Statute, Title 40A:16-7, an appointment to fill a vacancy in the membership of a governing body shall be by majority vote of the remaining members of the governing body, and

WHEREAS, in accordance with New Jersey Statute, Title 40A:16-11, Stewart P. Palilonis, the Lambertville Democratic Committee Chairman, submitted a letter with three candidates to fill said vacancy on January 7, 2010, and

WHEREAS, Elaine Warner's name was one of the candidates listed along with Helen T (Bambi) Kuhl and Derek Roseman, and

WHEREAS, Elaine Warner has served the community on the Lambertville Board of Education and has been deemed a qualified candidate as required by the State of New Jersey Statute.

NOW THEREFORE BE IT RESOLVED, that Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey, at a regularly scheduled meeting held on January 18, 2010, reviewed the list of candidates presented by the Lambertville Democratic Chairperson and deemed Elaine Warner a qualified candidate to fill the vacancy as Councilwoman for the City of Lambertville in the County of Hunterdon in the State of New Jersey.

ADOPTED: January 18, 2010

I, Cynthia L. Ege, Acting City Clerk, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting on January 18, 2010.

Cynthia L. Ege, Acting City Clerk

Roll Call:

Ayes: Councilwoman Beth Asaro, Councilman Ward Sanders, Council President Steve Stegman, Mayor

David DeVecchio

Nays: None

Abstain: None

Absent: None

Councilman Ward Sanders made a motion to appoint Elaine Warner to fill the vacant seat, with the term expiring December 31, 2011. Council President Stegman seconded the motion. A unanimous roll call vote was taken in favor of the motion to appoint Elaine Warner to fill the vacant seat by all members present. MOTION CARRIED.

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Councilwoman Elaine Warner was sworn in by Attorney Faherty. Her husband, Robert Warner held the bible while her children, Juliana, Rhett and Meagan looked on. Councilwoman Warner was congratulated and welcomed by Mayor and Council.

Councilwoman Warner stated that she was pleased to have the opportunity to broaden her horizon from School Board to City Council.

At this time, Councilwoman Asaro had to terminate her participation via phone due to a prior commitment with work.

Approval of Minutes.

Council President Stegman made a motion to approve the meeting minutes of the following sessions of Mayor and Council: December 21, 2009 Special Session Minutes, December 21, 2009 Regular Session Minutes, December 21, 2009 Closed Session Minutes, December 29, 2009 Special Session Minutes, and January 1, 2010, Reorganization Session Minutes. Councilman Sanders seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present, with Elaine Warner abstaining. MOTION CARRIED.

Presentation of Administrative Reports.

The following administrative reports were not available: Tax Collector – Bonnie Eick, Construction Official – Ken Rogers, Zoning Officer/Fire Inspector – John Barczyk for review by Mayor and Council.

Council President Stegman made a motion to approve the following Administrative Reports: Municipal Court Administrator – Patricia Ahern, Police Director – Bruce Cocuzza, Public Works Director – Paul Cronce, City Clerk – Cynthia Ege, and Chief Financial Officer – Ron Ghrist. Councilman Sanders seconded the motion. A unanimous roll call vote was taken in favor of the motion to approve the Administrative Reports submitted was taken by all members present.

Resolution 2010-30 – Transfers for 2009

Mayor DelVecchio explained to the members of Council and the public that we need to close out our records for 2009 and in order to do this, in accordance with state statute, the transfers as listed in resolution 2010-30 need to be made.

WHEREAS, various 2009 bill have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time transfers between the 2009 Budget in the last two months of 2009; and

WHEREAS, N.J.S.A. 40A-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

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NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville in the County of Hunterdon, State of New Jersey that the transfers in the amount of \$1,700 be made between the 2009 Budget Appropriation Reserves as follows:

ITEM		FROM	TO
Department of Public Works	Salary and Wage	1,500.00	
Group Insurance for Employees	Operating Expenses	200.00	
Department of Public Works	Operating Expenses		200.00
Administration of Public Assistance	Operating Expenses		200.00
Gasoline	Operating Expenses		1,300.00
		\$1,700.00	\$1,700.00

Roll Call Vote: This resolution was adopted and approved by a roll call vote at a meeting of Mayor and Council held on January 18, 2010, with a vote of ayes and nays and abstentions as follows:

I, Cynthia L. Ege, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting held on Monday, January 18, 2010.

Cynthia L. Ege, Acting City Clerk

Council President Stegman made a motion to approve Resolution 2010-30, transferring funds appropriate in the 2009 budget. Councilman Sanders seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Roll Call:

Ayes: Councilman Ward Sanders, Councilwoman Elaine Warner, Council President Steve Stegman, Mayor David DeVecchio

Nays: None

Abstain: None

Absent: Councilwoman Beth Asaro

Presentation and motion to pay the Bills on the Bills List.

Councilman Sanders made a motion to approve the bills on the Bills List. Council President Stegman seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

RESOLUTIONS.

Resolution 2010-22, A Resolution of Appreciation for John Miller

Mayor DelVecchio informed the members of the public that John Miller was very instrumental in the creation of the Hazard Mitigation Plan for the City of Lambertville, which is the only plan submitted to the State of New Jersey for approval which was completed by volunteers. Other members were recognized at the annual Reorganization Meeting held on January 1, 2010.

City of Lambertville
RESOLUTION 2010-22

WHEREAS, John A. Miller, P.E., CFM is an Associate Water Resources Engineer with Princeton Hydro, LLC in Ringoes, New Jersey, *and*

WHEREAS, in his professional career, Mr. Miller manages projects involving Stormwater, floodplain and wastewater management. His interests include Stormwater management planning and policy; floodplain management, analysis, mitigation and policy; land use, especially with regard to water resources and open space; forensic analysis; and expert testimony. He has been qualified as an expert in Stormwater and floodplain management by courts in New Jersey and Pennsylvania, *and*

WHEREAS, Mr. Miller is a licensed professional engineer in five (5) states that include New Jersey, Pennsylvania, New York, Delaware and Maine. He is a Certified Floodplain Manager as administered by the national Association of State Floodplain Managers (ASFPM). A graduate of Villanova University with honors, he promotes the importance of continuing education for professionals, *and*

WHEREAS, Mr. Miller is very active in national and state professional organizations. He is a Past Chair and founder of the New Jersey Association for Floodplain Management (NJAFM), a chapter of ASFPM. He served as the Region II Director for ASFPM and is active with the leadership and staff of the Association on national floodplain management policy and issues. He is the Immediate Past President of the New Jersey Section American Water Resources Association (NJ-AWRA) and helped enhance this organization in his tenure as Secretary and Vice President. He has received the NJAFM Founders Award and the NJ-AWRA President's Award acknowledging his leadership, time and dedication to the organizations, *and*

WHEREAS, Mr. Miller lives in Lambertville, New Jersey with his wife Allison M. Kopicki. John and Allison enjoy time in the outdoors, especially walking his dog Collin on the canal path in Lambertville where they bump into friends, *and*

WHEREAS, John was very instrumental in providing assistance to the City with the Storm Water Management and Hazard Mitigation Plan, Ely Creek Flood Project, and is a volunteer with the Office of Emergency Management. Mr. Miller serves as a member of the City of Lambertville Planning Board and as an alternate member of the Hunterdon County Planning Board.

NOW THEREFORE BE IT RESOLVED that Mayor and Council of the City of Lambertville express their sincere appreciation to John Miller for his dedication to the various projects and committees he serves within the City of Lambertville. He is further recognized for his input and contributions to the flood water management programs, grants, and guidance offered to the City of Lambertville.

Adopted this 18th day of January, 2010.

David M. DelVecchio, Mayor

Cynthia L. Ege, Acting City Clerk

Council President Stegman made a motion to approve Resolution 2010-22 honoring John Miller for the work he completed on the Hazard Mitigation Plan. Councilman Sanders seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Resolution 2010-25, authorizing the contract with Mobile Veterinary Service and Clinic LLC for Veterinary Services to cover stray animals.

Mayor DelVecchio informed the public that we have a contract with Mobile Veterinary service and Clinic LLC for the care of stray animals. Chuck Kaufmann asked how much the contract was for and Mayor DelVecchio stated it covers the care of the animals but does not have a dollar figure attached. Mrs. Ege stated that to her knowledge, we only used them once last year and the bill was for approximately \$200.

City of Lambertville
RESOLUTION 2010-25

“A Resolution Authorizing a Contract with Mobil Veterinary Service and Clinic LLC”

WHEREAS, the City of Lambertville has a need for a holding facility for stray animals, and

WHEREAS, the Mobile Veterinary Service and Clinic, LLC, located at 39 Upper Creek Road in Stockton, NJ, has submitted a contract for these services, and

WHEREAS, the City of Lambertville has previously utilized the services of the Mobile Veterinary Services in 2008 and 2009.

NOW THEREFORE BE IT RESOLVED, that Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey authorize the contract with Mobil Veterinary Service and Clinic LLC” for holding of all stray animals for a period of 8 days.

ADOPTED: January 18, 2010

I, Cynthia L. Ege, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting held on Monday, January 18, 2010.

Cynthia L. Ege, Acting City Clerk

Councilman Ward Sanders made a motion to approve Resolution 2010-25. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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Roll Call:

Ayes: Councilman Ward Sanders, Councilwoman Elaine Warner, Council President Steve Stegman, Mayor David DelVecchio
Nays: None
Abstain: None
Absent: Councilwoman Beth Asaro

Resolution 2010-26, authorizing the contract with B&B Linen Rentals for cleaning services for all municipal buildings.

Mayor DelVecchio informed the members of the public that we had a resolution authorizing the contract for cleaning services with B&B Linen Rentals for 2010. This contract covers City Hall, the Police Station, the Justice Center and the Library. Chuck Kaufmann asked how much annually the City will pay. Mayor DelVecchio responded approximately \$13,000.

City of Lambertville
RESOLUTION 2010-26
“A Resolution Authorizing Contracted Services with Bed & Bath Linen Rentals, LLC”

WHEREAS, the City of Lambertville has a need for cleaning services at the following sites: City Hall, Police Station, Justice Center and the Library, and

WHEREAS, a Request for Proposals was mailed to several cleaning copies in October of 2009, and

WHEREAS, Bed & Bath Linen Rentals, LLC, was the only response to the request, and

WHEREAS, Bed & Bath Linen Rentals, LLC has been cleaning all municipal offices, and

WHEREAS, due to the size of the municipality and the total dollar figure of cleaning services, Attorney Faherty advised a required formal bidding process is not required.

NOW THEREFORE BE IT RESOLVED, that Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey reviewed and approved the contract for services with Bed and Bath Linen Rentals, LLC for a period of time beginning January 1, 2010 and ending December 31, 2010 at a rate not to exceed \$237.50 per week, with quarterly additions of waxing/refinishing floors, exterior cleaning of windows at a rate of \$23.75 per hour.

ADOPTED: January 18, 2010

I, Cynthia L. Ege, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting held on Monday, January 18, 2010.

Cynthia L. Ege, Acting City Clerk

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Councilman Sanders made a motion to approve the contract for cleaning services with Bed & Bath Linen Rentals, LLC. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Roll Call:

Ayes: Councilman Ward Sanders, Councilwoman Elaine Warner, Council President Steve Stegman, Mayor David DelVecchio
Nays: None
Abstain: None
Absent: Councilwoman Beth Asaro

Resolution 2010-27, authorizing the release of escrow funds for Heritage Village, block 1059, lot 33.

Mayor DelVecchio informed the members of Council and the public that Heritage Village, also known as Community Investment Strategies, posted money in an escrow account for the Planning Board at the beginning of their project. The project is fully built and the escrow funds are due back to the developer.

City of Lambertville
RESOLUTION 2010-27

“A Resolution Authorizing the Release of Escrow Funds for Heritage Village”

WHEREAS, Heritage Village, also known as Community Investment Strategies, deposited funds into an escrow account for block 1059 and lot 33, for an application filed with the Board of Adjustment of the City of Lambertville, and

WHEREAS, all work on the project has been completed with Attorney Shurts and Engineer Clerico have been advised of the release of the escrow, and

WHEREAS, Engineer Clerico advised the City in a letter dated December 1, 2008, that his office completed an inspection of the project and all improvements were installed in accordance with the approved site plan and documents as shown on the As-Builts, and

WHEREAS, in Engineer Clerico’s December 1, 2008 letter, he advised that the Hunterdon County Planning Board has issued an unconditional approval, and

WHEREAS, the Hunterdon County Soil Conservation District provided a report of compliance to Engineer Clerico dated March 7, 2008.

NOW THEREFORE BE IT RESOLVED, that Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey reviewed and approved the release of funds available in the escrow account, pending certification from the Finance Director of final accounting of the escrow funds.

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I, Cynthia L. Ege, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting held on Monday, January 18, 2010.

Cynthia L. Ege, Acting City Clerk

Councilman Ward Sanders made a motion to approve Resolution 2010-27, refunding the balance in the escrow account to Heritage Village. Council President Stegman seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Roll Call:

Ayes: Councilman Ward Sanders, Councilwoman Elaine Warner, Council President Steve Stegman, Mayor David DeVecchio

Nays: None

Abstain: None

Absent: Councilwoman Beth Asaro

Resolution 2010-28, Authorizing the Police Director and Acting City Clerk to sign the Special Social Affairs Permit for Trinity Church at St. John's the Evangelist Church on March 6, 2010 from 7 to 10 PM.

Mayor DeVecchio informed the members of City Council and the public that Trinity Church filed an application for special social affairs permit at St. John's the Evangelist Church. The application was reviewed by the Police Director. Police Director Cocuzza was present and added that he had no objection to the issuance of the one day social affairs permit.

City of Lambertville

RESOLUTION NUMBER 2010-28

"Approval of Social Affairs Permit for Church of St. John the Evangelist"

WHEREAS, Trinity Episcopal Church, of Solebury, Pennsylvania has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affairs to be held on March 6, 2010 at Parish Hall, of St. John the Evangelist Church, located at 13 North Main Street, Lambertville; and

WHEREAS, the affair will be held from 7:00 p.m. to 10:00 p.m.; and

WHEREAS, Police Director Cocuzza has reviewed the application and has no objection to the granting of a special permit to be issued to the applicant to sell alcoholic beverages at the affair to be held on the date and premises noted;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey as follows:

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1. The Mayor and City Council, the licensing authority of the City, has no object direct the Acting City Clerk to certify the application and forward the certified application to the Director of the Division of Alcoholic Beverage Control.
2. The Acting City Clerk is hereby authorized to sign the municipal certification on the application and forward it to the New Jersey Division of Alcoholic Beverage Control.

I, Cynthia L. Ege, Acting City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on January 18, 2010, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

Cynthia L. Ege, Acting City Clerk

Councilman Sanders made a motion to approve Resolution 2010-28 authorizing the City Clerk and Police Director to sign the social affairs permit for Trinity Church. Council President Stegman seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ROLL CALL VOTE:

Ayes: Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio
Nays: None
Abstain: None
Absent: Councilwoman Asaro

Resolution 2010-29, Awarding the bid for the roof at the Justice Center to Strober-Wright Roofing, Inc., in the amount of \$33,500.

Mayor DelVecchio informed the members of Council and the public that the roof at the Justice Center is in need of replacement. When the City purchased the building, they did not replace the roof. As far as we know, this is the original roof from the Acme.

WHEREAS, the City of Lambertville advertised and subsequently received bids for the replacement of the roof on the Justice Center, located at 25 South Union Street in Lambertville on January 12, 2010; and

WHEREAS five (5) bids were received as follows:

Company	Total Bid/Alternate Bid
Strober-Wright Roofing, Inc.	\$33,500
Alper Enterprises	\$50,000
DA Nolt, Inc.	\$50,109
Roof Diagnostics	\$58,000

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Arista Builders & Designers
and;

\$63,900

WHEREAS, Michael Burns, City Architect and Phillip Faherty, City Attorney has reviewed the submitted bids and determined, according to NJSA 40A: 11-4.5, Competitive contracting proposal solicitation, and;

WHEREAS, Michael Burns, City Architect and Phillip Faherty, City Attorney has reviewed the submitted bids and determined, according to NJSA 40A: 11-4.5 b and d Competitive contracting proposal solicitation, the bid submitted by **Strober-Wright Roofing, Inc.** was the lowest responsive bid in the amount of **\$33,500** for the roof replacement at the Justice Center located at 25 South Union Street in Lambertville and;

WHEREAS, Mayor and Council approved the award of the bid to Strober-Wright Roofing, Inc., Lambertville, NJ, in the amount of \$33,500,

WHEREAS, the Chief Financial Officer has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Lambertville hereby award the Roof Replacement for the Justice Center, 25 South Union Street in Lambertville to Strober-Wright Roofing, Inc., in Lambertville, NJ, with the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Michael Burns, City Architect.
2. The price for replacement of plywood shall not exceed \$45 per sheet.

ADOPTED: January 18, 2010

I, Cynthia L. Ege, affirm that this is a true copy of the resolution adopted by Mayor and Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey at the regularly scheduled meeting held on Monday, January 18, 2010.

Cynthia L. Ege, Acting City Clerk

Councilman Sanders made a motion to approve Resolution 2010-29, awarding the contract to Strober-Wright Roofing, Inc., for the roof replacement at the Justice Center. Council President Stegman seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Roll Call:

Ayes: Councilman Ward Sanders, Councilwoman Elaine Warner, Council President Steve Stegman, Mayor David DeVecchio
Nays: None
Abstain: None
Absent: Councilwoman Beth Asaro

ORDINANCES – FIRST READING.

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Ordinance 2010-01, A Bond Ordinance for Improvements to North Union Street in the amount of \$405,000 (Public Hearing 02-16-10)

Ordinance 2010-01 was introduced for first reading and read by title by Mayor DeVecchio. Mayor DeVecchio informed the members of Council and the public that the City was awarded funding from the State of New Jersey for the reconstruction of North Union Street between Delaware Avenue and Buttonwood Street. The public hearing will be scheduled for February 16, 2010.

Ordinance 2010-01
BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO NORTH UNION STREET IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$405,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$405,000 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 i) The improvement 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 improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$405,000, including a grant in the amount of \$165,000 expected to be received from the New Jersey Department of Transportation (the "State Grant"). No Down payment is required pursuant to N.J.S.A. 40A:2-11 (c) as the improvements is being partially funded by the State Grant.

Section ii) In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$405,000 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 iii) (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to North Union Street between Delaware Avenue and Buttonwood Street, including all work set forth in the City engineer's funding estimate on file with the office of the Clerk, which is hereby approved and including all work and materials necessary therefor and incidental thereto.

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

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

Section iv) All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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

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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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section v) 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 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 vi) The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or 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 benefited thereby.

(b) The period of usefulness of the improvement or 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 ordinance, is 10 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 \$405,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$90,000 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 purpose or improvement.

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

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

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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.

Re: CITY OF LAMBERTVILLE
 \$405,000/\$405,000 BOND ORDINANCE
 IMPROVEMENTS TO NORTH UNION STREET

- 31 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Clerk's office as well as in Trenton.
- 32 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing introduction of the ordinance.
- 33 Affidavit of Publication in local newspaper following introduction of the ordinance.
- 34 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing public hearing and final adoption of the ordinance.
- 35 Affidavit of Publication in local newspaper following final adoption of the ordinance.
- 36 Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

BELOW FOR McMANIMON & SCOTLAND, L.L.C. USE ONLY

Posted: ___/___/___ Useful Life: 10 years Reviewed By: _____

§20 Costs: \$90,000 Mayor's Approval: ___/___/___

Amends/Amended By: Ord. # _____ F/A: ___/___/___
 Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: ___/___/___
 Original Appropriation/Authorization: \$ _____/\$ _____

Authorization for CFO to Sell Notes: Yes No
 Resolution Authorizing CFO to Sell Notes: F/A ___/___/___

Grant Moneys Expected: A grant in the amount of \$165,000 expected to be received from the New Jersey Department of Transportation.

NOTES/BONDS ISSUED HEREUNDER						
AMOUNT	DATE	MATURITY	RATE	PAYDOWN	NEW/ RENEWAL	REMAINING AUTHORIZATION



DEBT STATEMENT CERTIFICATE

I, Cynthia L. Ege, Acting Clerk of the City of Lambertville, in the County of Hunterdon, New Jersey (herein called the "City"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the City that was prepared as of _____, 2009 by Ronald Ghrist, who was then chief financial officer of the City and filed in my office on _____, 2009, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this _____ day of _____, 2009.

Cynthia L. Ege, Acting Clerk

(SEAL)

32

EXTRACT from the minutes of a _____ meeting of the City Council of the City of Lambertville, in the County of Hunterdon, New Jersey held at the _____ in the City on _____, 2009 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Cynthia L. Ege, Acting Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the City duly called and held on _____, 2009 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2009.

Cynthia L. Ege, Acting Clerk

(SEAL)

34

EXTRACT from the minutes of a _____ meeting of the City Council of the City of Lambertville, in the County of Hunterdon, New Jersey held at the _____ in the City on _____, 2009 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]
CERTIFICATE

I, Cynthia L. Ege, Acting Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the City duly called and held on _____, 2009 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2009.

Cynthia L. Ege, Acting Clerk

(SEAL)
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CLERK'S CERTIFICATE

I, Cynthia L. Ege, Acting Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Acting Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading on _____, 2009 and finally adopted by the governing body on _____, 2009 and, where necessary, approved by the Mayor on _____, 2009.

3. On _____, 2009, a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.

4. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on _____, 2009. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2009.

Cynthia L. Ege, Acting Clerk

[SEAL]
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

City of Lambertville
Regularly Scheduled Monthly Session
Mayor and Council
7:00 PM, Monday, January 18, 2010
The Justice Center, 25 South Union Street
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The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, on _____, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the City on _____, 2009 at ____ o'clock __.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: "Bond Ordinance Providing for Improvements to North Union Street in and by the City of Lambertville, in the County of Hunterdon, New Jersey, Appropriating \$405,000 Therefor and Authorizing the Issuance of \$405,000 Bonds or Notes of the City to Finance Part of the Cost Thereof."

Purpose: Improvements to North Union Street between Delaware Avenue and Buttonwood Street, including all work set forth in the City engineer's funding estimate on file with the office of the Clerk, which is hereby approved and including all work and materials necessary therefor and incidental thereto

Appropriation: \$405,000

Bonds/Notes Authorized: \$405,000

Grants Appropriated: A grant in the amount of \$165,000 expected to be received from the New Jersey Department of Transportation.

Section 20 Costs: \$90,000

Useful Life: 10 years

Cynthia L. Ege, Acting Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City of Lambertville, in the County of Hunterdon, State of New Jersey on _____, 2009 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: "Bond Ordinance Providing for Improvements to North Union Street in and by the City of Lambertville, in the County of Hunterdon, New Jersey, Appropriating \$405,000 Therefor and Authorizing the Issuance of \$405,000 Bonds or Notes of the City to Finance Part of the Cost Thereof."

Purpose: Improvements to North Union Street between Delaware Avenue and Buttonwood Street, including all work set forth in the City engineer's funding estimate on file with the office of the Clerk, which is hereby approved and including all work and materials necessary therefor and incidental thereto

Appropriation: \$405,000

Bonds/Notes Authorized: \$405,000

Grants Appropriated: A grant in the amount of \$165,000 expected to be received from the New Jersey Department of Transportation.

Section 20 Costs: \$90,000

Useful Life: 10 years

Cynthia L. Ege, Acting Clerk

Council President Stegman made a motion to introduced Ordinance 2010-01 for the reconstruction of North Union Street. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance 2010-03, An Ordinance to Amend Municipal Parking and Metered Parking (Public Hearing 02-16-10)

Ordinance 2010-03 was introduced and read by title by Mayor DelVecchio. Mayor DelVecchio informed the members of Council and the public that Ordinance 2010-03 would increase the fees for parking lots and meter parking permits. The public hearing is scheduled for February 16, 2010.

City of Lambertville

ORDINANCE NUMBER 2010-03

“AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, CHAPTER 8: MUNICIPAL PARKING AREAS AND METERED PARKING”

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

ARTICLE I – PARKING LOTS
SECTION: 8-2.4 FEES – YORK STREET LOTS

BE IT ORDAINED by the Mayor and 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 VIII: Municipal Parking Areas and Metered Parking be amended as follows:

SECTION 2 YORK STREET LOT

Section 8-2.4 Fees (York Street Lot) is amended as follows:

The fee for a permit shall be forty-five (\$45.00) dollars per month with a late fee of five (\$5.00) dollars if not paid by the fifth (5th) of the month. If the fee is not paid by the tenth (10th) of the month, the permit shall be null and void and available for issuance to another person. A list will be maintained by the City Clerk to be utilized in the event of a vacancy.

Section 8-2.5 Weekends and Holiday Parking. On a rotating basis, not-for-profit groups may request the opportunity to monitor the remaining eleven (11) parking spots from 6:00 p.m. Friday through 8:00 a.m. Monday for a month and charge a reasonable fee for parking with the proceeds going to the not-for-profit group. (Ord. #2001-21 § 1)

Section 8-11 APPLICABILITY

Section 8-3 through Section 8-10 shall not apply to any municipal employees of the City of Lambertville while on official City business nor to any vehicles engaged in police work. (Ord. #84-3, §7)

Recommend changing this ordinance to read as follows:

Municipal employees of the City of Lambertville, while on official City business, shall be exempt from paying metered parking fees. The City Clerk shall issue parking permits to all employees authorized and approved by resolution of Mayor and Council. The parking permits must be displayed in the vehicles. A list of all parking permits issued to employees will be provided to the police department.

SECTION 5 FRANKLIN STREET LOT

Section 8-5 (Franklin Street Lot) The section shall be repealed from the Ordinance book.

ARTICLE II – PARKING METERS

**SECTION 8-20 EXCEPTION FOR CERTAIN HOLIDAYS,
SECTION 8-25.3 PERMIT PARKING**

SECTION 8-20 EXCEPTION FOR CERTAIN HOLIDAYS.

Section 8-20 Exception For Certain Holidays. The parking regulations set forth in this article shall not be in effect and will not be enforced on New Year's Day, Easter, Memorial Day, July 4, Labor Day, Thanksgiving, and Christmas.

8-25.3 PERMIT PARKING.

8-25.3 Permit Parking. In addition to the metered parking spaces, there shall be parking spaces created which will be available at all time by permit. The permits will be issued by the City Clerk on a first come/first serve basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times. The fee for the permit shall be forty-five (\$45) dollars per month with a late fee of five (\$5.00) dollars if not paid by the fifth (5th) of the month. If the fee is not paid by the tenth (10th) of the month, the permit shall be null and void and available for issuance to another person. A list will be maintained by the City Clerk to be utilized in the event of a vacancy. (Ord. #2002-10, §2).

ARTICLE III, RESIDENTIAL PARKING PERMITS

Section 8-29 Rules and Regulations

8-29 RULES AND REGULATIONS

Letter e. A permit shall be issued to the resident upon payment of a fee of forty-five (\$45) dollars. If required by the resident a permit which may be transferred between a personal vehicle and a company vehicle may be issued upon documentation presented to the City Clerk for a fee of sixty (\$60) dollars. The fee for a duplicate permit or a permit for a different vehicle shall be twenty-five (\$25.00). There shall be no monthly prorating for the permit.

Introduced:

Adopted:

I, Cynthia L. Ege, Acting City Clerk, certify that this is a true copy of an ordinance adopted at the regularly scheduled meeting of Mayor and Council in the City of Lambertville in the County of Hunterdon in the State of New Jersey.

Cynthia L. Ege, Acting City Clerk

Roll Call Vote:

Ayes:

Nays:

Abstain:

Absent:

Council President Stegman made a motion to introduce Ordinance 2010-03 to increase the parking fees for the parking lots and metered parking. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance 2010-04, An Ordinance to Amend the fees for Certified Copies of Marriage Licenses and Death Certificates (Public Hearing 02-16-10)

Ordinance 2010-04 was read by title by Mayor DelVecchio. Mayor DelVecchio informed members of Council and the public that Ordinance 2010-04 is to increase certified copies of birth, marriage, civil union and death certificates. The public hearing is scheduled for February 16, 2010.

City of Lambertville
ORDINANCE NUMBER 2010-04

“An Ordinance to Increase the Fees Charged for Certified Copies”

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey that the Revised General Ordinances of the City of Lambertville, 1990, amended to include the following section:

SECTION 1: Section 3-14 Fees Charged by Various Departments, Boards and Commissions of the City of Lambertville is amended as follows:

- a. City Clerk’s Office.
 1. Certified Copies of Marriage, Civil Union Licenses shall be charged a fee of \$15 per certified copy.
 2. Certified Copies of all Birth and Death Certificates shall be charged a fee of \$15 per certified copy.

Introduced: January 18, 2010

Adopted:

Councilman Sanders made a motion to introduce Ordinance 2010-04. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance 2010-05, An Ordinance Granting Renewal of Municipal Consent to Comcast to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the City of Lambertville, New Jersey.

Mayor DelVecchio informed members of Council and the public that Ordinance 2010-05 is for Comcast Cable. Councilman Sanders will review the proposed Ordinance and it will be introduced at the February 16, 2010 meeting.

City of Lambertville
ORDINANCE #2010-05

“AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE CITY OF LAMBERTVILLE, NEW JERSEY.”

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LAMBERTVILLE, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, along, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "City" or "Municipality" is the City of Lambertville, County of Hunterdon, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Southeast Pennsylvania, LLC.

- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein is for a period of 15 years beginning as of the date of issuance of a renewal Certificate of Approval by the Board, and shall thereafter be extended for, and end after, an automatic renewal term of 10 years as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy of 35 homes per mile.

Comcast will extend its plant along rights-of-ways to all residences and business within 150 aerial feet or 100 underground feet of Comcast's active cable distribution plant at no cost beyond the normal installation rate.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Temporary Removal of Cables: Upon Request, the Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery or in other similar circumstances. The expense shall be borne by the party requesting such action, except when requested by the municipality, in which case the company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to City Hall, each police, fire, emergency management facility and public library in the Municipality,

provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.

- c. The Company shall provide free basic Internet service, via high-speed cable and modem, to one (1) non-networked personal computer in each qualified existing and future school in the City, public and private, elementary, intermediate and secondary, at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.
- d. The Company shall provide free basic Internet access via high-speed cable and modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.
- e. Within twelve (12) months of receipt of a Renewal Certificate of Approval, the Company shall provide the City with a one-time technology grant in the amount of twenty two thousand five hundred (\$22,500) dollars for the City's cable and technology related needs.

SECTION 15. GOVERNMENT AND EDUCATIONAL ACCESS

a. The Company will provide one channel for governmental access use (sometimes, hereinafter, the "Governmental Access Channel"). Governmental access programming shall be provided by the governing bodies of the City of Lambertville, West Amwell Township, the Borough of Stockton, and Delaware Township (hereinafter, collectively, the "Municipalities"). Unused capacity may be utilized by the Company subject to the provisions for "fallow time" below. Comcast shall activate the government channel within six months of a written request by the municipality. The request for activation shall not occur prior to receipt of the Certificate of Approval from the NJ Board of Public Utilities.

The Company shall construct a dedicated fiber optic return line to the City Municipal Building at 18 York Street in Lambertville and the Justice Center, 25 South Union Street, Lambertville for cable casting live and/or recorded programming on the Government access channel. The Company will also provide a switching device for use by the municipality to change broadcast location between the York Street and Union Street locations during emergencies. The Company will not be responsible for providing or for the maintenance of any studio equipment used for the access channel, including but not limited to cameras, editing decks, monitors, character generators, etc.

B. The Company will continue to provide one channel for educational access use (sometimes, hereinafter, the "Educational Access Channel") by the South Hunterdon Regional High School (hereinafter, the "High School"). Educational access programming shall be provided by the governing bodies of the City of Lambertville, West Amwell Township, the Borough of Stockton, and Delaware Township (hereinafter, collectively, the "Municipalities"), the High School (together with the Municipalities, the "Users") or other designated educational institutions within the Municipalities. Unused capacity may be utilized by the Company subject to the provisions for "fallow time" below.

c. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for governmental or educational access use. A governmental or educational access user

– whether all or any of the Users or other educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, nor may it rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

d. The Company shall not exercise editorial control over any governmental or educational use of channel capacity, except that the Company may refuse to transmit any governmental or educational access program or portion of a governmental or educational access program that contains obscenity, indecency, or nudity.

e. Shared use of the channels shall be governed by mutual agreement among the governing bodies of the Users. The Users shall be responsible for developing, implementing, and enforcing rules for the Access Channels.

f. “Educational Access” shall mean the noncommercial use by educational institutions such as public or private schools, but not “home schools,” community colleges, and universities.

g. “Government Access” shall mean noncommercial use by the governing bodies of the City of Lambertville, West Amwell Township, the Borough of Stockton, and Delaware Township for the purpose of showing the public local government at work.

h. Company Use of Fallow Time. Because a blank or under utilized governmental or educational access channel is not in the public interest, in the event that the Users do not fully program the Governmental or Educational Access Channel, the Company may program unused time on said channel (at its discretion and for any purpose), subject to reclamation by the Municipalities upon no less than 60 days written notice.

i. Indemnification. The Municipalities shall indemnify the Company for any liability, loss, or damage it may suffer due to any violation of the intellectual property rights of third parties on the Governmental or Educational Access Channel and from claims arising out of the Users’ rules for or administration of access.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

NO ACTION WAS TAKEN.

ORDINANCES – SECOND READING AND PUBLIC HEARING.

None

CORRESPONDENCE.

REQUEST FROM THE CHAMBER OF COMMERCE

Request from the Chamber of Commerce to close the Wachovia Bank parking lot for exclusive use of the Chamber of Commerce from 8 pm on Saturday through to 8 pm on Sunday, April 24 and 25, 2010. In addition, they request the food court vendors be permitted to leave their set-up over night to simplify the complicated logistics of the event.

Mayor and Council reviewed the email received from Ellen Pineno requesting permission to close the Wachovia Bank parking lot for the food vendors. Conversation included an

additional fee of \$8 per meter to pay for the over night parking, required to submit a plan for security by February 9 to Police Director Cocuzza, must contact the Fire Marshal, John Barczyk to discuss their requirements, all canapés would need to be secured, address the clean up with the Public Works Director Cronce, and obtain input from the Board of Health on their requirements. Police Director Cocuzza This will be discussed further at the February 16, 2010 meeting of Mayor and Council.

CENSUS BUREAU

Request from the Census Bureau to use the Justice Center and City Hall (after construction is complete) for testing and questions from the public during the first quarter of 2010.

Mayor and Council reviewed the request from the Census Bureau to use the space at the Justice Center. They must submit the required insurance documentation prior to building use.

UNFINISHED BUSINESS.

None.

UPDATE ON VARIOUS CONSTRUCTION IMPROVEMENT PROJECTS.

Route 165 & Swan Street – Paul Cronce

Mr. Cronce informed Mayor, Council and members of the public that the color of the Street signs need to be changed to match throughout town. JCP&L needs to hot wire the light in order for it to be functional.

Bike and Ped Grants – Paul Cronce

Punch list items include: hairline cracks in sidewalks and bricks that need to be relayed. Van Cleef Engineering and Cindy are doing an audit of the accounting.

City Hall – Cindy Ege

Mrs. Ege reported that a meeting is scheduled with the Architect and Contractor on the morning of the 21st.

South Franklin Traffic Calming – Mayor DelVecchio stated he will call the Engineer to obtain a status report.

South Franklin & Weeden Streets Drainage – is on hold until funding is available.

North Union Street – Bond Ordinance was introduced tonight.

Update on projects for flood relief.

Mayor DelVecchio stated grants were filed for both the Swan Creek and Ely Creek flood project. Congressman Rush Holt is checking on the status of the grants.

UPDATE ON VARIOUS NON-CONSTRUCTION PROJECTS.

Shared Services: East Amwell, West Amwell and Lambertville will hold a joint meeting at East Amwell Municipal Building on January 25th to discuss the police study. Hunterdon County Chamber of Commerce is hosting the meeting and there will be a public participation section.

South County Renewable Energy Coop met on January 14th. They are waiting for updated numbers from West Amwell Township and then will send out an RFP for energy efficiency study and renewable solar and power purchase agreement.

RFP for Film Series – on hold until February.

Recreation Commission – nothing to report.

Work Group on SHRHS – Councilman Ward Sanders provided the Mayor and Council with meeting minutes. He stated that the Committee continues to meet with the last meeting on December 22nd. They meet again next Thursday. Councilman Ward Sanders has been appointed the Chairperson, Steve Giacondo from Stockton is the Co-chairperson. He feels the committee is making progress.

NEW BUSINESS.

None.

ANNOUNCEMENTS.

Ordinance 2010-02, An Ordinance to Amend the Salary and Wage Ordinance is scheduled for a public hearing on February 16, 2010.

PUBLIC PARTICIPATION

Resolution to go into closed session to discuss contracts, law suits, possible litigation, acquisition of property, and personnel.

Council President Stegman made a motion to go into closed session at 7:57 P.M. to discuss contracts, law suits, possible litigation, acquisition of property and personnel. Councilwoman Warner seconded the motion. A unanimous roll call vote was taken in favor of the motion to go into closed session by all members present. MOTION CARRIED.

At 8:00 p.m., Council President Stegman made a motion to come out of closed session. Councilman Sanders seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

APPOINTMENT TO BOARDS

Mayor DelVecchio nominated the following people:

Emergency Management Council:

City of Lambertville
Regularly Scheduled Monthly Session
Mayor and Council
7:00 PM, Monday, January 18, 2010
The Justice Center, 25 South Union Street
*****AGENDA*****
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Mark Collins – Principal at SHRHS, and
Patrick Eckard to replace Kevin Snyder as the Chief of the Lambertville New Hope
Rescue Squad.

Historic Preservation:
Bill Dorman.

Recreation Commission has two vacancies and Mayor and Council are looking to fill the
positions. Any one interested is asked to send a letter of interest to the Acting City Clerk.

Councilman Sanders made a motion to approve the appointments as nominated by Mayor
DelVecchio. Council President Stegman seconded the motion. A unanimous roll call vote was
taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT.

The meeting adjourned at 8:01 p.m. with a motion made by Council President Stegman and
seconded by Councilman Sanders. A unanimous voice vote was taken in favor of the motion to
adjourn by all members present.

Respectfully submitted,

Cynthia L. Ege
Cynthia L. Ege
Acting City Clerk

ADOPTED BY MAYOR AND COUNCIL AT THEIR REGULARLY SCHEDULED
MEETING OF FEBRUARY 16, 2010.