



CITY OF LAMBERTVILLE
VOTING SESSION MEETING
MARCH 18, 2021, 6:00 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 March 18, 2021 Session of the Lambertville City Council to Discuss Attorney/Client Issues Related to Contracts and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b) (7).

RESOLUTION

*“Authorizing a Closed Session at the February 18, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Privilege Related to Contracts, Acquisition of Property” Pursuant to:
N.J.S.A. 10:4-12 (7)*

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on March 18, 2021, using the Zoom Meeting Platform, to discuss the following matters: *Attorney/Client Privilege Matters Related to Contracts, and Acquisition of Property Pursuant to N.J.S.A. 10:4-12(b)(7).*

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

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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

February 18, 2021 Voting Session Minutes

February 18, 2021 Closed Session Minutes

February 25, 2021 Special Session Minutes

February 25, 2021 Closed Session Minutes

March 2, 2021 Work Session Minutes

March 2, 2021 Closed Session Minutes

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 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.*

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

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

ADOPTED: March 18, 2021

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.*

RESOLUTION NUMBER 45-2021

A Resolution to Authorize the City Clerk to Sign the Person-to-Person Transfer of Liquor License Number 1017-33-003-003 from DeAnna's to Taverna 54 LLC.

WHEREAS, an application has been filed by Taverna 54 LLC for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1017-33-003-003, heretofore issued to DeAnna's of Lambertville LLC. for premises located at 54 North Franklin Street, Lambertville, New Jersey;

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council do hereby approve the transfer of the aforesaid Plenary Retail Consumption License to Taverna 54 LLC. and do hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred XXXX to Taverna 54 LLC for premises located at 54 North Franklin Street, Lambertville."

ADOPTED: March 18, 2021

RESOLUTION NUMBER 53-2021: *A Resolution to Authorize the Transfers in the 2020 Budget.*

Resolution Number 53-2021

RESOLUTION AUTHORIZING 2021 APPROPRIATION RESERVE TRANSFERS

WHEREAS, various 2020 bills 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 of transfers between the 2020 Budget in the last two months of 2020; and

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WHEREAS N.J.S. 40A:4-59 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;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers be made between the 2021 Appropriation Reserves as follows:

FROM:

0-01-23-220-299 - Group Health Insurance - \$2,892.00

TO:

0-01-27-340-200 - Dog Regulation - \$2,892.00

RESOLUTION NUMBER 54-2021: *A Resolution to Authorize the Refund of a Garbage Permit to Chelsea Abraham in the Amount of \$20.*

Resolution Number 54-2021

A Resolution to Authorize the Refund of a Garbage Permit to Chelsea Abraham in the Amount of \$20

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 a garbage permit to Chelsea Abraham in the amount of \$20 is hereby authorized.

RESOLUTION NUMBER 55-2021: *A Resolution to Authorize the Extension of the Contract with Triad for 2021 Services in an Amount Not to Exceed \$15,000.00*

Resolution Number 55-2021

A Resolution to Authorize the extension of the Contract with Triad for Professional Services Through December 31, 2021 at an Amount Not to Exceed \$15,000.00

Whereas the City of Lambertville entered into a contract with Triad on August 20, 2021 for a one-year term, ending June 30, 2021; and

Whereas the not to exceed amount is \$15,000.00 per year; and

Whereas the City would like to extend the contract through December 31, 2021 with a contract not to exceed amount of \$15,000.00 for the 2021 contract period.

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 Mayor, City Attorney and

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City Clerk are hereby authorized to sign the contract with Triad with an amount not to exceed \$15,000.00 for the term beginning January 1, 2021 and ending December 31, 2021.

RESOLUTION NUMBER 56-2021: *A Resolution to Authorize the Performance Bond Letter of Credit for Church Street Three, Block 1076, Lots 14.01, 14.02, 14.03 from \$86,376.00 to \$30,768.00 as an Escrow Cash Deposit.*

Resolution Number 56-2021

A Resolution to Authorize the Performance Bond Letter of Credit Release and the Acceptance of a Cash Performance Bond for Church Street Three, for Block 1076, Lots 14.01, 14.02 and 14.03 from \$86,376.00 to \$30,768.00 as an Escrow Cash Deposit
Whereas the Church Street Three gave the City of Lambertville a letter of credit in the amount of \$86,376.00 for the development of block 1076, lots 14.01, 14.02 and 14.03; and
Whereas, the project is substantially complete, and the City Attorney and the City Engineer has signed off on the release of the performance bond and the acceptance of the cash bond.
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 request from Church Street Three for the release of the Letter of Credit provided for the Performance Bond and the acceptance of the cash bond is hereby authorized.

RESOLUTION NUMBER 57-2021: *A Resolution to Authorize the Refund of Expenses Incurred for the Mailing for a Public Hearing Due to Errors with the City's Zoom Meeting Account.*

Resolution Number 57-2021

A Resolution to Authorize the Refund of Expenses Incurred for the Mailing for a Public Hearing Due to Errors with the City's Zoom Meeting Account

Whereas, due to errors with the Zoom Meeting Platform, the public hearings were cancelled causing the applicant to renotice for the public hearings; and

Whereas, at the February 18, 2021 session, the Governing Body authorized the City Attorney to draft a policy which includes an approval by resolution of the Governing Body.

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 reimbursements are hereby authorized:

Diane Dona, 18 Jefferson Street for an application to the Zoning Board of Adjustment with a failed public hearing of October 29, 2020, 60 certified mailings in an amount not to exceed \$276.21.

Laura Scully, Esq., 26 South Main Street, for a variance application to the Zoning Board of Adjustment with a failed public hearing of July 30, 2020, in an amount not to exceed \$416.03.

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RESOLUTION NUMBER 58-2020: A Resolution to Appoint the 2021 CRS Committee

Resolution Number 58-2020

A Resolution to Appoint the 2021 CRS Committee

Whereas the City of Lambertville participates in the ISO's program to reduce the flood insurance rates for property owners who reside in the flood plain; and

Whereas a City employee must be the CRS Coordinator; and

Whereas the CRS Committee is comprised of residents who own properties in the flood plain, the Flood Plain Manager, an Insurance Agent, a licensed engineer, and volunteers who have past knowledge of flooding in Lambertville.

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 people are hereby appointed to serve on the CRS Committee: Cynthia Ege – Coordinator, John Miller – Volunteer, Christiana Pollock – Volunteer, Diana Pursell – Insurance Broker, Muriel Meserve (Lambert Lane), Marcus Rayner (North Union Street), Tom Eagan (Ferry Street).

VII. BILLS LIST

VIII. ORDINANCES – FIRST READING

ORDINANCE NUMBER 05-2021: A Bond Ordinance to Reappropriate Balances in Bond Accounts for the purpose of funding Engineering for 2021 Road Projects.

Please note: this is not authorizing new debt.

Grant Avenue (Route 179 to Belvidere Avenue), .14 miles

Allen Street (Belvidere Avenue to Coryell Road) .06 miles

This project includes: milling and paving; full-depth road reconstruction in limited areas that potential require subgrade repair, thermoplastic traffic striping and markings replacement, replacement of existing non-compliant catch basin grates and curb pieces with bicycle-safe and eco-compliant parts as per NJDOT Standards and repairs to catch basins as required by condition.

NJDOT Municipal Aid Program Grant in the amount of \$113,150.00

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO GRANT AVENUE AND ALLEN STREET IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR, INCLUDING \$113,150 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF

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\$200,000 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 1. 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 \$200,000, including \$113,150 expected to be received as a New Jersey Department of Transportation grant (the "NJDOT Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose referred to in Section 3(a) is being partially funded by the NJDOT Grant.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Grant Avenue and Allen Street, including, but not limited to, milling, paving and reconstruction, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation 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 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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(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 benefitted 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 bond 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 \$200,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 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 the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

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ORDINANCE NUMBER 06-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter III, Human Rights Council, Amending the Requirements for Membership.

Note: removing the requirement to be a resident of Lambertville and adding a position for a student of SHRSB.

ORDINANCE NUMBER 06-2021
An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Section 17.4, Human Rights Council, Appointments, Compensation, Terms, Vacancies

§ 3-17.4 Council Established; Appointment; Compensation; Terms; Vacancies.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) will consist of a total of 11 members, from both the public and private sector, and is hereby established in the City of Lambertville. The members of the City of Lambertville Human Rights Council (LHRC) shall be appointed by the Mayor, with the advice and consent of the Lambertville City Council.

a.

Public Sector Members:

1.: The Mayor of the City of Lambertville, or his or her representative, to run concurrent with the Mayor's three-year term;

2.: The President of the Lambertville City Council, or his/her representative, for a one-year term;

3.: The Police Director or **Officer-in-Charge** of the City of Lambertville or his/her representative, for a one-year term;

4.: The Director of Public Assistance of the City of Lambertville, for a three-year term concurrent with the Mayor's three-year term;

5.: The President of Board of Education from the Lambertville-Stockton-West Amwell unified school district, or his/her representative, for three-year term concurrent with their term;

6.: The Chairperson of the Lambertville Free and Public Library, or his or her representative, for a one-year term.

b.: Private Sector Members:

Existing:

1.

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A resident of the City of Lambertville for a two-year term;

2.

A resident of the City of Lambertville for a three-year term;

3.

A resident of the City of Lambertville for a five-year term.

4.

A resident of the City of Lambertville.

[Added 5-16-2019 by Ord. No. 11-2019]

5.

A resident of the City of Lambertville.

[Added 5-16-2019 by Ord. No. 11-2019]

All members of the LHRC shall serve without compensation.

Change to:

There shall be five members from the private sector appointed to serve on the Human Rights Council. They shall be appointed by the Mayor with the advice and consent of the Governing Body and do not need to be residents of the municipality. One member may be a student at the South Hunterdon Regional School District.

INTRODUCTION AND FIRST READING: March 18, 2021

PUBLIC HEARING AND SECOND READING: April 22, 2021

~~**ORDINANCE NUMBER 07-2021: An Ordinance to Adopt the Rules and Regulations for the Lambertville Police Department.**~~

This does not require Council Action.

~~**ORDINANCE NUMBER 08-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIX, Stormwater Management. Reviewed and recommended by the Environmental Commission, the City Engineer, City Planner. This Ordinance does not copy well into the agenda.**~~

~~**ORDINANCE NUMBER 09-2021: An Ordinance to Amend the Lambertville Land Use Ordinances, Section 510, Landscaping. As recommended by the Planning Board. At the March 3, 2021 Session. It doesn't copy well into the agenda.**~~

IX. ORDINANCES – SECOND READING

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

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

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.

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

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

ORDINANCE NUMBER 02-2021

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**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.

§ 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.

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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.

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 offer or 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.

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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;
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

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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.*

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

(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,

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the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 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 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 number of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

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

X. COUNCIL SUBCOMMITTEE UPDATES

Mayor Fahl

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

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Councilwoman Taylor – Human Rights Commission, Electric Bills and Community Aggregation

XI. ANNOUNCEMENTS

STREET SWEEPER is suspended through March 31, 2021. It will resume the regular schedule on April 5, 2021.

SPECIAL SESSION: The Governing Body will hold a Special Session on Thursday, March 25, 2021 to introduce a Bond Ordinance to fund the purchase of the Closson property.

XII. PUBLIC COMMENT

XIII. ADJOURNMENT