



**CITY OF LAMBERTVILLE  
REGULARLY SCHEDULED SESSION  
MAYOR AND COUNCIL  
AUGUST 21, 2018, 6:30 P.M.  
PHILLIP L. PITTORE JUSTICE CENTER  
25 SOUTH UNION STREET  
MINUTES**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT.**

Mayor DelVecchio called the meeting to order at 6:30 p.m. and read the following statement of compliance with the Open Public Meetings Act into the record: This meeting is being held in compliance with the Open Public Meetings Act with the annual notice advertised in the January 9 edition of the Times and provided to the Democrat and the Times; the meeting notice was provided to the Democrat, the Times and various individuals listed on the listserv and to department heads, the City Attorney and Engineer on Thursday, August 16, 2018.

**ROLL CALL.**

Present: Councilman Sanders; Councilwoman Warner; Council President Stegman; Mayor DelVecchio.

Absent: Councilwoman Asaro.

**CLOSED SESSION.**

**RESOLUTION**

*“Authorizing a Closed Session at the August 21, 2018 Lambertville City Council Meeting to Discuss Contracts, Personnel, Acquisition of Property, Possible Litigation”*

**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 August 21, 2018, in the Phillip L. Pittore Justice Center, located at 25 South Union Street, Lambertville, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, and Possible Litigation.*

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

ADOPTED: August 21, 2018

Mayor DelVecchio and City Council convened in closed session at 6:30 p.m. with a motion made by Councilman Sanders and seconded by Council President Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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Mayor DelVecchio and City Council re-convened in regular session at 7:00 p.m. with a motion made by Councilwoman Warner and seconded by Council President Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**PLEDGE OF ALLEGIANCE.**

Mayor DelVecchio led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE.**

The City Clerk led the public in a moment of silence in honor of those serving in the United States Armed Forces in country and abroad.

**APPROVAL OF MINUTES.**

Mayor DelVecchio asked for a motion to approve the following sets of minutes as amended/submitted: July 17, 2018 Regularly Scheduled Session Minutes and July 17, 2018 Closed Session Minutes. Councilwoman Warner made a motion to approve the minutes as submitted/amended. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ADMINISTRATIVE REPORTS.**

Mayor DelVecchio asked for a motion to approve the following Administrative Reports: Tax Collector – Cynthia McBride, Municipal Court Administrator – Patricia Wozniak, Construction Official – Kenneth Rogers, Zoning Officer – Frank D’Amore, Fire Inspector – Frank D’Amore, Police Director – Bruce Cocuzza, Public Works Director – Lester E. Myers, Jr., City Clerk – Cynthia Ege, Chief Financial Officer and Treasurer – Christie Ehret. Council President Stegman made a motion to approve the Administrative Reports as submitted. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**PROCLAMATIONS.**

ZACHARY INGERSOLL: Acknowledgement for the Bridge on Music Mountain and his Achievement as an Eagle Scout.

Mayor DelVecchio asked Zachary to join him at the dais. Council members took turns reading the proclamation into the record.

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WHEREAS, Zachary E. Ingersoll, a resident of Lambertville and a member of Boy Scout Troop 49, contributed time and materials to complete a project on the Open Space Trail of Music Mountain, formerly known as the Buchanan Property, for his Eagle Scout Project; and

WHEREAS, the scope of the project entailed refurbishing the one-mile long nature trail, adding a bridge to cross a ten-foot-deep ravine, and carry out general trail maintenance; and

WHEREAS, the project required that he submit certified plans to the construction office and Mr. Ingersoll worked with Michael Burns of Michael Burns Architect to complete the design; and

WHEREAS, Zachary had to organize a work crew to build the bridge in accordance with BOCCA Code; and

WHEREAS, Zachary E. Ingersoll has served as a senior Patrol Leader two times; achieved the rank of Brotherhood in the Order of the Arrow (Scouting's National Honor Society); is the recipient of the Chief Den Award; and on September 8, 2017, Zachary achieved the rank of Eagle Scout; and

WHEREAS, Zachary plans to attend Elizabethtown College in the fall of 2018 where he will study mechanical engineering.

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 Zachary Ingersoll is hereby recognized for his contribution to the City of Lambertville which benefitted those looking for a mile-long hike.

ADOPTED: August 21, 2018

Mayor DelVecchio asked for a motion to adopt the proclamation honoring Zachary Ingersoll. Councilman Sanders made a motion to adopt the proclamation. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked Zachary if he had anything he would like to say. Mr. Ingersoll thanked the governing body for their support throughout the process. Mayor DelVecchio commented that he read that on 1% achieve the level of Eagle Scout. The group applauded.

**NATIONAL SUICIDE PREVENTION AWARENESS MONTH**

Mayor DelVecchio informed the members of the public present that former Freeholder Rob Walton requested the adoption of this proclamation.

**NATIONAL SUICIDE PREVENTION AWARENESS MONTH**

WHEREAS, suicide continues to be a serious but preventable public health problem that can have lasting harmful effects on individuals, families, and communities; and

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WHEREAS, nationally, suicide is the ninth leading cause of death overall and the third leading cause of death among Americans aged 5 to 14 and the second leading cause of death among Americans aged 15 to 24; and

WHEREAS, most recent data shows that in New Jersey suicide has decreased to 9.7 self-inflicted deaths per 100,000 people demonstrating that through education and public awareness, suicide rates can improve; and

WHEREAS, the best way to minimize risk of suicide is to learn about risk factors, recognize warning signs and take them seriously, and know how to respond to possibly save a life; and

WHEREAS, National Alliance on Mental Illness – Hunterdon Chapter (NAMI Hunterdon) is proud to partner with Hunterdon County Stigma Free Task Force to end the bigotry against people afflicted with mental illness; and

WHEREAS, local suicide prevention efforts including Hunterdon’s Stigma Free Task Force work to raise awareness, eliminate stigma, promote suicide prevention as a public health issue and increase help-seeking behavior; and

WHEREAS, effective prevention strategies are needed to promote awareness of suicide while also promoting prevention, resilience, and a commitment to social change; and

WHEREAS, NAMI Hunterdon invites all residents of Hunterdon County to become educated about suicide and participate in National Suicide Prevention Awareness Month; and

NOW, THEREFORE, the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby recognizes September 2018 as NATIONAL SUICIDE PREVENTION AWARENESS MONTH throughout the City.

AND BE IT FURTHER RESOLVED that the Governing Body of the City of Lambertville calls upon our citizens to take the CureStigma test today to see if they are affected by stigma at CureStigma.org and pledge to be stigma free.

ADOPTED: August 21, 2018

Mayor DelVecchio asked for a motion to adopt the proclamation for National Suicide Prevention Awareness Month. Councilman Sanders made a motion to adopt the proclamation. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**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.*

Mayor DelVecchio read the resolutions listed on the consent agenda by title into the record. He informed the members of the public present that Resolution Number 125-2018 was being pulled from the agenda and there were additions to the agenda, Resolution Number 131-2018, authorizing the private sale of a certain tax sale certificate pursuant to N.J.S.A. 54:5-113 and Resolution Number 132-2018 Pledging the NJ Wildlife Action Plan.

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RESOLUTION NUMBER 115-2018: A Resolution to Authorize the Refund of Escrow to Greg Russo for 85 North Main Street in An Amount Not to Exceed \$261.77.

**RESOLUTION NUMBER 115-2018**

*A Resolution Authorizing the Refund of Escrow to Greg Russo for 85 North Main Street in An Amount Not to Exceed \$261.77*

WHEREAS, the Greg Russo, owner of 85 North Main Street has made a request for the refund of his escrow balance; and

WHEREAS, the Secretary to the Board and the Deputy Treasurer have reviewed the account and determined a refund was due to Mr. Russo in the amount of \$261.77.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the refund to Greg Russo for 85 North Main Street in the amount of \$261.77 is hereby authorized.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 116-2018: A Resolution to Reject the Bid Received for the Exterior Renovations of the Phillip L. Pittore Justice Center Because It Exceeds the Amount Budgeted.

**RESOLUTION NUMBER 116-2018**

*A Resolution to Reject the Bid Received for the Exterior Work at the Phillip L. Pittore Justice Center Because It Exceeds the Amount Budgeted*

WHEREAS, the City of Lambertville solicited for bids for the exterior work at the Phillip L. Pittore Justice Center; and

WHEREAS, on Thursday, August 2, 2018, the City publicly opened and read aloud the bid received; and

WHEREAS, the bid received was from Levy Construction Company of Audubon, NJ in the amount of \$269,600.00, and

WHEREAS, the City Architect has reviewed the bid, has determined and recommended the City reject the bid received because it was over the amount budgeted for this project.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the bid received for the exterior work at the Phillip L. Pittore Justice Center is hereby rejected because it exceeds the budgeted amount for the project.

ADOPTED: August 21, 2018

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RESOLUTION NUMBER 117-2018: *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute the Agreement with Bob Richter of Richter Media in an Amount Not to Exceed \$13,000 for Professional Services Paid for Through the Community Development Grant to Assist Local Businesses with Advertising, Social Media, Promotions and Press Releases.*

**RESOLUTION NUMBER 117-2018**

*A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute the Agreement with Bob Richter of Richter Media in an Amount Not to Exceed \$13,000 for Professional Services Paid for Through the Community Development Grant to Assist Local Businesses with Advertising, Social media, Promotions and Press Releases*

WHEREAS, the Mayor and Council President met with Bob Richter to review his availability to assist local businesses with advertising, social medial, promotions and press releases; and

WHEREAS, the CMFO has certified funds are available in the Community Development Grant.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the Mayor, City Attorney and City Clerk are authorized to sign the contract with Bob Richter and Richter Media in an amount not to exceed \$13,000.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 118-2018: *A Resolution to Authorize Change Order 2 for Clinton Street Phase 2, Decreasing the Contract with Top Line by \$4,211.92.*

**RESOLUTION NUMBER 118-2018**

*A Resolution to Authorize Change Order 2 for Clinton Street Phase 1, Decreasing the contract with Top Line by \$4,211.92*

WHEREAS, the City Engineer has recommended approval of change order number 2 for the Clinton Street Phase I project in the amount of \$-4,211.92, as follows:

|                        |              |
|------------------------|--------------|
| Contract amount        | \$420,100.53 |
| Change order number 1  | \$68,090.70, |
| Change order number 2  | \$-4,211.92  |
| Total contract amount: | \$483,979.31 |

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that change order number 2 for the Clinton Street Phase II is hereby authorized.

BE IT FURTHER RESOLVED that the City Clerk is authorized to sign the change order.

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ADOPTED: August 21, 2018

RESOLUTION NUMBER 119-2018: A Resolution Authorizing the Installation of a Charging Station in Front of 39 Perry Street for an Electronic Car.

**RESOLUTION NUMBER 119-2018**

*A Resolution Authorizing the Installation of a Charging Station in Front of 39 Perry Street for an Electronic Car.*

WHEREAS, Barney Stone is the owner of property located at 39 Perry Street in the city of Lambertville, County of Hunterdon and State of New Jersey; and

WHEREAS, the property owner wishes to install a “charging station” on his property in order to periodically charge his electric automobile; and

WHEREAS, the “charging station” would be located within the right-of-way of the City of Lambertville.

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

- 1) The City of Lambertville will grant a license to Barney Stone to install a “charging station” in front of his property located at 39 Perry Street within the City of Lambertville’s right of way.

BE IT FURTHER RESOLVED that:

- 2) The property owner will bear all responsibility and cost for the installation, maintenance and repair of said “charging station” as long as it exists.
- 3) The property owner will indemnify and hold harmless the City of Lambertville from and against any loss, damage or liability including attorneys’ fees and expenses incurred by the city of Lambertville and/or their employees, agents or other representatives arising out of or in any manner related to the installation, maintenance and use of said “charging station.”
- 4) The property owner will remove said “charging station” at the time the property owner ceases to own 39 Perry Street.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 120-2018: A Resolution to Accept the 2017 Audit Prepared by Suplee, Clooney and Company.

**RESOLUTION NUMBR 120-2018**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

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WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the City of Lambertville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION  
PASSED AT THE MEETING HELD ON AUGUST 21, 2018.

**RESOLUTION NUMBER 121-2018:** *A Resolution to Authorize the Redemption of a Tax Lien for Block 1048, Lot 66 in the Amount of \$4,242.56 Plus the Premium in the Amount of \$21,700.00.*

**RESOLUTION NUMBER 121-2018**

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*A Resolution Authorizing the Redemption of a Tax Lien for Block 1048, Lot 66 In the Amount of \$4,242.56 Plus a Premium in the Amount of \$21,700*

**WHEREAS**, Tax Lien Certificate 18-00007 issued on Block 1048 Lot 66 was sold to US BANK CUST ACTLIEN HOLDING, 50 SOUTH 16<sup>th</sup> ST, SUITE 2050, Philadelphia, PA 19102 08876 on 06/21/18 and

**WHEREAS**, payment has been received by the Tax Collector for redemption of the tax lien from owner.

**NOW THEREFORE BE IT RESOLVED** by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to

to US BANK CUST ACTLIEN HOLDING, 50 SOUTH 16<sup>th</sup> ST, SUITE 2050, Philadelphia, PA 19102 for the redemption of tax lien certificate #18-00007 in the amount of: \$4,242.56

In addition, the City is holding a premium in the amount of \$21,700.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$4,242.56

Check 2= for premium= \$21,700.00

ADOPTED: August 21, 2018

*RESOLUTION NUMBER 122-2018: A Resolution to Reject the Bids Received for Community Aggregation through the SHREC, As Recommended by Gabel Associates.*

**RESOLUTION NUMBER 122-2018**

*A Resolution Rejecting Pricing Proposals, Closing the March 9, 2018 Request for Proposals, and Authorizing the Release of a New RFP When Conditions Warrant, in Connection with the Community Energy Aggregation Program*

**WHEREAS**, the City of Lambertville is the lead agency for the South Hunterdon Renewable Energy Cooperative Community Energy Aggregation (SHREC CEA) program, and

**WHEREAS**, the City issued a Request for Proposals dated March 9, 2017 (RFP) requesting proposals for electric generation services and energy aggregation services for participating residents of the SHREC CEA program for Round 3 of the SHREC CEA program, and

**WHEREAS**, the City originally accepted proposals from pre-qualified suppliers in response to the RFP on April 3, 2018, but did not make a contract award at that time due to insufficient benefits resulting from the submitted proposals, and

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WHEREAS, the City subsequently issued addenda to the RFP and accepted refreshed pricing proposals from pre-qualified suppliers on August 7, 2018 and, based upon those refreshed proposals submitted, determined that none resulted in benefits for participating residents of the SHREC CEA program, and therefore no contract award was made based upon the refreshed proposals.

**NOW THEREFORE BE IT RESOLVED** by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that all proposals submitted in response to the RFP are hereby rejected, and the RFP is hereby closed.

**BE IT FURTHER RESOVLED** that the City is authorized to issue a new Request for Proposals to solicit proposals for electric generation services and energy aggregation services for participating residents of the SHREC CEA program for Round 3 of the SHREC CEA program, at a time determined by the City based upon market conditions and advice of the City's energy consultant.

**ADOPTED:** August 21, 2018

RESOLUTION NUMBER 123-2018: A Resolution to Award the Bid to Pravco, Inc., from Rahway, NJ, in an Amount Not to Exceed \$41,727.00 for the Roof at the Jail.

**RESOLUTION NUMBER 123-2018**

*A Resolution to Award the bid to Provco Inc., from Rahway, NJ in an Amount Not to Exceed \$41,727.00 for the Roof at the Jail*

WHEREAS, the City of Lambertville solicited for bids for the replacement of the jail roof in-kind; and

WHEREAS, on Thursday, July 26, 2018, the City publicly opened and read aloud the bid received; and

WHEREAS, the following bids were received:

|                                    |              |
|------------------------------------|--------------|
| Northeast Roof Maintenance:        | \$58,000.00  |
| J&E Contracting, LLC:              | \$41,500.00  |
| DA Nolt, Inc.                      | \$93,156.00  |
| Pravco Inc.                        | \$41,727.00  |
| Roof Management, Inc.              | \$184,000.00 |
| Integrity Roofing, Inc.            | \$58,340.00  |
| Padovani Roofing and Construction: | \$88,800.00  |

WHEREAS, the City Attorney reviewed the bids received and determined that J&E Contracting did not sign the bid bond submitted from the American Institute of Architects and they failed to disclose whether there were any exceptions with respect to the contract on the Affidavit of Release of Liens disqualifying them as a bidder; and

WHEREAS, the City Architect has reviewed the bid, has determined and recommended the bid received from Pravco Inc. was responsive and responsible

WHEREAS, the CMFO has certified funds are available.

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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the bid received for the replacement of the jail roof in-kind is hereby awarded to Provco Inc. from Rahway, NJ in an amount not to exceed \$41,727.00.

BE IT FURTHER RESOLVED that the Mayor, City Attorney and City Clerk are hereby authorized to execute the contract with Provco Inc.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 124-2018: *A Resolution to Reject the bids Received for the Fence at Ely Field Because the Bid Amounts Exceeded the Amount Budgeted.*

**RESOLUTION NUMBER 124-2018**

*A Resolution to Reject the Bids Received for the Fence at the Ely Field Because It Exceeds the Amount Budgeted*

WHEREAS, the City of Lambertville solicited for bids for the fence at Ely Field; and

WHEREAS, on Wednesday, August 8, 2018, the City publicly opened and read aloud the bid received; and

WHEREAS, the following bids were received:

NINSA LLC in the amount of \$497,741.00

Pro Max Fence Systems, Inc. in the amount of \$482,000.00

WHEREAS, the City Architect has reviewed the bid, has determined and recommended the City reject the bids received because it was over the amount budgeted for this project.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the bids received for the fence at the Ely Field are hereby rejected because they exceed the budgeted amount for the project.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 126-2018: *A Resolution to Authorize Change Order #2 for the Ely Field Improvements in An Amount Not to Exceed \$6,485.04. The Change Order is Necessary Due to the Amount of Concrete in the Footings for the Score Board; to Repair Damage to the Existing Conveyance Pipe; The Pop-Up Emitter Was Removed from the Project; Police Traffic Officers were not necessary; and Control Fabric was not necessary.*

**RESOLUTION NUMBER 126-2018**

*A Resolution to Authorize Change Order #2 for the Ely Field Improvements in An Amount Not to Exceed \$6,485.04. The change Order is Necessary Due to the Amount of Concrete in the Footings for the Score Board; to Repair Damage to the Existing conveyance Pipe; The Pop-Up Emitter*

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*Was Removed from the Project; Police Traffic Officers were Not Necessary; and control Fabric Was Not Necessary*

WHEREAS, the City Engineer is recommending approval for Change Order #2 for the Ely Field Improvements Project; and

WHEREAS, the Change Order #2 includes the following:

|                                |               |
|--------------------------------|---------------|
| Remove existing concrete slab: | \$7,900.00    |
| Repair Existing Storm Drain:   | \$2,188.00    |
| Police Traffic Directors:      | (\$- 992.96)  |
| Erosion Control Fabric         | (\$-2,485.00) |
| Pop-Up Emitter                 | (\$- 125.00)  |
| TOTAL:                         | \$6,485.00    |

WHEREAS, this change order brings the total contract to: \$128,633.00 and the CMFO has certified funds are available.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that change order number 2 for the Ely Field Improvements Project in the amount of \$6,485 is hereby authorized.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to sign the change order.

ADOPTED: August 21, 2018

**RESOLUTION NUMBER 127-2018:** *A Resolution to Authorize the City Clerk to Sign the Authorization for Reduction of the Letter of Credit by 90% to: \$12,388.50 and the Partial Refund of the Cash Performance Guarantee by 10% in the Amount of \$1,376.50 for Block 1029, Lots 3, 3.01 and 3.02 for a Total Amount of \$13,765 in Retainage to Mr. Joseph Price, 3 Clinton Street Partners, LLC As Recommended by the City Engineer.*

**RESOLUTION NUMBER 127-2018**

*A Resolution to Authorize the City Clerk to Sign the Authorization for Reduction of the Letter of Credit by 90% to: \$12,388.50 and the Partial Refund of the Cash Performance Guarantee by 10% in the Amount of \$1,376.50 for Block 1029, Lots 3, 3.01 and 3.02 for a Total Amount of \$13,765 in Retainage to Mr. Joseph Price, 3 Clinton Street Partners, LLC As Recommended by the City Engineer*

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body of the City of Lambertville in the County of Hunterdon, in the State of New Jersey, hereby authorizes the Clerk to sign the authorization (#2) for reduction of the Letter of Credit (90%), retaining \$12,388.50 and the partial

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refund of the cash performance guarantee (10%) in the amount of \$1,376.50 for block 1029, lots 3, 3.01 and 3.02 for a total amount of retainage of \$13,765.00 to Mr. Joseph Price, 3 Clinton Street Partners, LLC, as recommended by the City Engineer.

**ADOPTED:** August 21, 2018

RESOLUTION NUMBER 128-2018: *A Resolution to Authorize the Refund of An Overpayment of a Permit Application to Stellitano Heating & Air Conditioning, Inc., for Block 1059, Lot 16.36, in the Amount of \$42.72.*

**RESOLUTION NUMBER 128-2018**

*A Resolution to Authorize the Refund of An Overpayment of a Permit Application to Stellitano Heating & Air Conditioning, Inc. for Block 1059, Lot 16.36 In the Amount of \$42.72*

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that the refund to Stellitano Heating & Air Conditioning, Inc. for block 1059, lot 16.36 in the amount of \$42.72 is hereby authorized.

**ADOPTED:** August 21, 2018

RESOLUTION NUMBER 129-2018: *A Resolution to Authorize the One-Year Extension of the contract with the Friends of the Library/ACME Screening Room to August 31, 2019.*

**RESOLUTION NUMBER 129-2018**

*A Resolution to Authorize the One-Year Extension of the contract with the Friends of the Library/ACME Screening Room to August 31, 2019.*

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 contract with the Friends of the Library, AKA ACME Screening Room for the film series is hereby extended to August 31, 2019.

**ADOPTED:** August 21, 2018

RESOLUTION NUMBER 130-2018: *A Resolution to Authorize the Amendment to the Contract with the Special Engineer, Van Cleef Engineering, to Work on the Bike/Ped Grant in an Amount Not to Exceed \$10,500.00.*

**RESOLUTION NUMBER 130-2018**

*A Resolution to Authorize the Amendment to the Contract with the Special Engineer, Van Cleef Engineering, to Work on the Bike/Ped Grant in an Amount Not to Exceed \$10,500.00.*

WHEREAS, the City of Lambertville through the fair and open process hired Van Cleef Engineering to serve as Special Engineer to the City of Lambertville for a one-year term beginning January 1, 2018 and ending December 31, 2018; and

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WHEREAS, the City is in need of an Engineer to provide sealed plans, bidding assistance, and construction consulting to assist with a federal grant to fund the Bike Lambertville project.

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 City Clerk are hereby authorized to sign the contract with Van Cleef Engineering for the federal grant work as per the quote provided on August 15, 2018, in an amount not to exceed \$10,500.00.

ADOPTED: August 21, 2018

RESOLUTION NUMBER 131-2018: A Resolution Authorizing Private Sale of a Certain Tax Sale Certificate Pursuant to N.J.S.A. 54:5-113.

**RESOLUTION NUMBER 131-2018**

*A Resolution Authorizing Private Sale of a Certain Tax Sale Certificate Pursuant to N.J.S.A. 54:5-113.*

WHEREAS, The City of Lambertville has acquired title to certain real estate by reason of it having been struck off and sold for delinquent taxes and assessments;

WHEREAS, the Tax Collector of the City of Lambertville requires authorization for the private sale by assignment of a certain Certificate of Tax Sale, together with subsequent liens thereon; and

WHEREAS, the total amount of the municipal lien exceeds the assessed value of the real estate as of the date of the last sale thereof for unpaid taxes;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Lambertville that the Tax Collector and City Clerk be and they are hereby authorized to sell by private sale by assignment of the following Tax Sale Certificates together with the subsequent liens thereon for an amount not less than the assessed value.

| <b>Block &amp; Lot</b> | <b>Description</b> | <b>Certificate No.</b> | <b>Amount of Sale on Certificate</b> | <b>Total Tax Liens Accrued</b> | <b>Total</b> | <b>Owner Last Tax Duplicate</b> |
|------------------------|--------------------|------------------------|--------------------------------------|--------------------------------|--------------|---------------------------------|
| 1069/1                 | 113 Swan Street    | 88-00552               | \$2,377.44                           | \$12,753.78                    | \$15,131.22  | Estate of Carolyn Ely           |

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RESOLUTION NUMBER 132-2018: A Resolution to Support and Pledge the NJ  
Wildlife Action Plan

**RESOLUTION NUMBER 132-2018**

*A Resolution to Support and Pledge the NJ Wildlife Action Plan*

This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies

Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community the City of Lambertville pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities,

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people,

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats,

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined,

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens,

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State,

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WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey,

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville that we resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the City of Lambertville an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

ADOPTED: August 21, 2018

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Mayor DelVecchio asked for a motion to adopt the resolutions as listed on the consent agenda. Council President Stegman made a motion to adopt the resolutions. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**BILLS LIST.**

Mayor DelVecchio asked for a motion to approve the Bills List and the Amended Bills List. The motion was moved by Councilwoman Warner and seconded by Councilman Sanders. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCES – FIRST READING.**

ORDINANCE NUMBER 14-2018: *An Ordinance to Amend the Lambertville City Code 2014, Chapter XII, Section 3.0 Illicit Connections to the Sanitary System.*

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance is at the request of the Lambertville Municipal Utilities Authority and will help with connections to the sewer.

**ORDINANCE NUMBER 14-2018**

*ILLICIT CONNECTIONS TO THE SANITARY SEWER SYSTEM*

**WHEREAS**, in order to preserve the public health, safety and welfare of its citizenry, the City of Lambertville desires to regulate the discharge of substances into the sanitary sewer system within the City;

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

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings state herein unless their use in the test of this Chapter clearly demonstrates a difference meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“Authority”- the Lambertville Municipal Utilities Authority

“Illicit connection” - any physical or non-physical connection that discharges storm water, groundwater, non-contract cooling water, process wastewater, industrial waste, or any substance

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other than domestic sewage, to the sanitary sewer system operated by the Lambertville Municipal Utilities Authority, unless that discharge is specifically permitted in writing by the Authority. Nonphysical connections may include, but are not limited to, leaks, flows or overflows into the sanitary sewer system. Sump pump discharges, cellar drains and floor drains that convey groundwater or storm water to any part of the WTP, sanitary sewer system or plumbing system or are also considered illicit connections.

“WTP” the Lambertville Municipal Utilities Authority Wastewater Treatment Plant including all components of the associated collection system and infrastructure.

“Person” - any individual corporation, company, limited liability company, partnership, firm, business entity, association or political subdivision of this State subject to municipal jurisdiction.

“Stormwater” - water resulting from precipitation (including rain and snow) that runs off the land surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**Incorporation of Regulations.**

The Lambertville Municipal Utilities Authority Use, Rules and Regulations, as amended and supplemented from time to time (the “Regulations”), are hereby incorporated by reference in this Chapter. A copy of the Regulations, including all current amendments and supplements, shall be maintained in the office of the clerk and made available to the public for inspection and copying during regular business hours.

**Prohibited Conduct and Discharges**

No person shall engage in improper use or construction of sanitary sewers. No person shall construct, operate, utilize or own an illicit connection.

A. No person or entity shall discharge or cause to be discharged through any connection to the WTP any of the following described waters, wastes or substances, except as may be otherwise specifically permitted in writing by the Authority:

1. Any unpolluted waters such as stormwater, ground water, roof runoff, subsurface drainage or cooling water;
2. Any liquid or vapor having a temperature higher than that stipulated hereinafter;
3. Any water or waste which may contain soluble oil or grease or any water containing floatable flats, oils, greases or other substance that will solidify or become viscous at normal climatic conditions or impair the operation of the WTP;
4. Any gasoline, benzene, naphtha, fuel oil, motor oil, mineral spirits, commercial solvent or other flammable or explosive liquid, solid or gas;
5. Any water or wastes that contain hydrogen sulfide, sulphur dioxide or nitrous

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- oxide in quantities higher than 10 *mg/l*;
6. any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, offal, plastics, wood, paunch manure, hair and fleshings, entrails, lime residues, cannery waste bulk solids, unshredded garbage, antibiotic wastes, free mineral acid, concentrated pickling wastes or plating solutions or any other solid or viscous substances capable or causing obstruction to the flow or other interferences with the proper operation of the WTP;
  7. Any waster or wastes containing toxic or poisonous substances in such concentrations as to constitute a hazard to humans or animals, or to interfere with any sewage treatment process, or to create any hazard in the receiving waters of the WTP;
  8. Wastes which will cause corrosive structural damage to the WTP;
  9. Any waters containing suspended solids of such character and quality that unusual provision, attention or expense is required to handle such materials at the WTP;
  10. any noxious or malodorous gas or substance, capable of creating a public nuisance or hazard to life *or* preventing entry into sewers for their maintenance, inspection and repair;
  11. Any waters containing quantities of radium, naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by the national committee on radiation protection and measuring;
  12. Any concentrated dye wastes, spent tanning solutions or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids or composition that may create obstruction to the flow in sewers, or other interference with the proper operation of the WTP or the quality of the effluent from the WTP;
  13. The following fixed upper limits of acceptable quality (concentration) and characteristics of material shall apply:

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| <u>CONCENTRATIONS:</u>      |                            |
|-----------------------------|----------------------------|
| <u>Item:</u>                | <u>Concentration. me/L</u> |
| ABS/L.A.S.                  | 0.5                        |
| Acetylene Generation Sludge | None                       |
| Arsenic                     | 2.0                        |
| Barium                      | 2.0                        |
| Boron                       | 1.0                        |
| Cadmium                     | 1.0                        |
| Chlorinated Hydrocarbons    | 0.25                       |
| Chromium (total)            | 1.0                        |
| Chromium (trivalent)        | 0.044                      |
| Chromium (hexavalent)       | 0.0003                     |
| Chrome (total)              | 0.5                        |
| Copper                      | 1.0                        |
| Fluoride                    | 4.0                        |
| Iron (total)                | 5.0                        |
| Lead                        | 0.5                        |
| Manganese                   | 1.0                        |
| Mercury                     | 0.01                       |
| Mineral Acide (Free)        | None                       |
| Nickel                      | 2.0                        |
| Nitrous Oxide               | 10.0                       |
| Oil & Grease (Total)        | 50.0                       |
| Phenolic Compounds          | 0.005                      |
| Phenols                     | 2.0                        |
| Phosphorous                 | 10.0                       |
| Selenium                    | 0.05                       |
| Selenite                    | 0.035                      |
| Selenate                    | 0.760                      |
| Silver                      | 1.0                        |
| Sulphur Dioxide             | 10.0                       |
| Zinc                        | 2.0                        |

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The above listed concentrations and characteristics may be altered by the Authority as required by Regulatory Agencies, Treatment or Reuse Requirements or in the event of cumulative overload of the WTP,

- B. The admission into the WTP of any water or wastes having a five-day biochemical oxygen demand (BOD<sub>5</sub>) in excess of 250 parts per million, by weight on a twenty- four-hour composite basis, or for any grab sample having a five-day BOD<sub>5</sub> in excess of 400 MG per liter, will be subject to review by the Authority. Where necessary in the opinion of the Authority, the Owner shall provide and operate, at his own expense, such pretreatment as may be required to reduce the biochemical oxygen demand to meet the above requirements.
- C. The admission into the WTP of any waters or wastes having a suspended solids content in excess of 250 parts per million by weight on a twenty-four-hour composite basis or for any grab sample having suspended solids content in excess of 400 MG per liter, will be subject to review by the Authority. Where necessary in the opinion of the Authority pre-treatment may be required to reduce the suspended solids content to meet the above requirements.
- D. The admission into the WTP of any waters or wastes in volumes, or with constituents, such that the existing dilution conditions in the WTP would be affected to the detriment of the Authority shall be subject to review and approval of the Authority. Where necessary in the opinion of the authority, pre-treatment or equalizing units may be require to bring constituents or volume of flow within the limits previously described or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operations of any unit of the WTP. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

It shall be unlawful for any person or entity to fail to correct a violation of any provision of the Regulations within thirty (30) days after delivery to such person or entity of a written notice of violation from the Authority, except that committing or causing the commission of a prohibited discharge as defined in the Regulations shall be an unlawful act at the time it occurs.

Item

Temperature, max pH allowable

range Biochemical Oxygen

Demand Suspended Solids, Max

Color

Chlorine Demand

Limitation

5.5-9.0

110.0

250.0 ppm

250.0 ppm

15.0 ppm

(B) CHARACTERISTICS

mgm-Pt. Units

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**Enforcement**

The provisions of this Chapter may be enforced by the Executive Director of the Authority. Pursuant to N.J.S.A. 40:14B-20, representatives of the Authority shall have the power to enter, at all reasonable times, any premises on which such a prohibited discharge pursuant to Section 17.48.030 is supposed to exist, for the purpose of inspecting, rehabilitating or securing samples of any such prohibited discharge.

**Penalties**

In addition to the penalties provided in the Regulations for violation of any provision of this Chapter or of the Regulations, the maximum penalty, upon conviction, shall be a fine not exceeding \$2,000, or imprisonment for a period not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

Each day on which any waters or wastes are discharged in violation of Section 17.48.030 shall constitute a separate violation.

In addition to the penalties provided in Regulations and in this Chapter for violation of any provision of this chapter or of the Regulations, the City may require the installation or connection to a sewer line to be made and recover the cost as an assessment upon the premises for which the connection was made in accordance with the provisions of N.J.S.A. 40:63-54, *et seq.*

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and a prior ordinance of the City of Lambertville, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the *Revised General Ordinances of the City of Lambertville* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5 This Ordinance shall take effect immediately upon final adoption and publication according to law.

Mayor DelVecchio asked for questions or comments from the public.

Mayor DelVecchio asked for a motion to introduce on first reading Ordinance Number 14-2018. Councilman Sanders made a motion to introduce on first reading Ordinance Number 14-2018, Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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Mayor DelVecchio informed the members of the public present that the public hearing is scheduled for Monday, September 17.

ORDINANCE NUMBER 15-2018: *An Ordinance to Amend the Lambertville City Code 2014, Chapter XV, Finance and Taxation, Section 15-1, Hotel and Motel Room Occupancy Tax, to add Air B&B.*

Mayor DelVecchio read the Ordinance into the record by title. He informed the members of the public present that there are new regulations that permit the City to charge a tax for Air BNB's. The City is amending Chapter XV of the Lambertville City Code 2014 to add Air BNB to the definitions.

*Please note: I am waiting final edits from the City Attorney.*

**ORDINANCE NUMBER 15-2018**

*An Ordinance to Amend the Lambertville City Code 2014, Chapter XV, Finance and Taxation, Section 15-1 Hotel and Motel Room Occupancy Tax; Section 15-1.2 Tax Established; Section 15-1.3 Tax in Addition to Any Other Tax or Fee.*

15-1 AIR BNB, HOTEL AND MOTEL ROOM OCCUPANCY TAX.

15-1.1 Purpose.

It is the purpose of this Section 15-1 to implement the provisions of P.L. 2003, c. 114, which authorizes the Governing Body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed one (1%) percent on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed three (3%) percent on charges of rent for every occupancy on or after July 1, 2004, of a room or rooms in an Air BNB, hotel, motel, or any other rental of a room for sleeping purposes that meets the definition of a short term rental, as defined by N.J.S.A. 54:32B subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3) which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room, or the rental of a room or residential unit for short term (less than six months).

15-1.2 Tax Established.

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There is hereby established a Occupancy Tax for the rental of rooms that meet the definition of short term rental, including, but not limited to: Air BNB, Hotel and Motel in the City of Lambertville on or after July 1, 2003, but before July 1, 2004, and three (3%) percent on charges of rent for every occupancy of a hotel or motel room in the City of Lambertville on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax). (Ord. #2003-07).

15-1.3 Tax in Addition to Any Other Tax or Fee.

The Occupancy Tax for Air BNB, Hotel, Motel, or any other rental as defined a short-term rental by the State of New Jersey Division of Taxation, shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room. (Ord. #2003-07).

FIRST READING AND INTRODUCTION: August 21, 2017

SECOND READING AND PUBLIC HEARING: September 17, 2018

Mayor DelVecchio asked for questions or comments from the public.

Mayor DelVecchio asked for a motion to introduce on first reading Ordinance Number 15-2018. Council President Stegman made a motion to introduce on first reading Ordinance Number 15-2018. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTIN CARRIED.

Mayor DelVecchio informed the members of the public present that the public hearing is scheduled for September 17, 2018.

ORDINANCE NUMBER 16-2018: *An Ordinance to Amend the Lambertville City Code 2014, Chapter XII, Sanitation: Recycling, Amending Section 12-4.5 Recycling by Commercial, Industrial and Institutional Establishments, Plastic Bag, Food Container and Plastic Straw Regulations.*

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public that this will amend Section 12-4.5 of the Lambertville City Code 2014, and will, after January 1, 2020 ban the use of plastics, straws, plastic bags, Styrofoam, and polystyrene foam products by businesses in our community. This ordinance was requested by members of the City's Environmental Commission.

*City of Lambertville*

**ORDINANCE NUMBER 16-2018**

*An Ordinance to Amend the Lambertville City Code 2014, Chapter XII, Sanitation: Recycling, Amending Section 12-4.5, Recycling by Commercial, Industrial and Institutional Establishments, and Appendix C to include a Ban on Plastics, Styrofoam and Polystyrene Foam Containers in the Sale of All Food Products*

BE IT ORDAINED BY the Governing Body of the City of Lambertville as follows:

Chapter XII, Sanitation: Section 12-4, Recycling Program is hereby amended as follows:

CHAPTER XII, Section 12-4.5, Recycling by Commercial, Industrial and Institutional Establishments to include a ban on the following products for the packaging of food products for sale to the public: plastic bags, Styrofoam and polystyrene foam containers, and plastic straws.

INTENT.

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam and Styrofoam containers and plastic straws by businesses in the City of Lambertville. The regulations are intended to assist the City with the elements in the PARIS Accord and in reducing our carbon footprint by promoting products that will protect the environment, wildlife, and the public health and welfare and safety of our community as a whole. The process will be phased in with Phase I as a voluntary opt-in program beginning October 1, 2018, and Phase II will be mandatory beginning on January 1, 2020.

DEFINITIONS.

Business or Store. For the purpose of this Section, any retail. The definition includes, but is not limited to pharmacies, supermarkets, farmers markets, grocery stores, farmers markets, convenience stores, clothing stores and food service establishments.

Food Service Establishment. Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

Goods and Products. Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, farmers markets, prepared food, foodstuffs, meat, dairy, beverages, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

Produce Bag or Product Bag. Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

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Recyclable paper carryout bag (preferred, not required). A paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of American Society of Testing and Materials (ASTM) Standard 06400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

Retail. The sale of goods and products for use and/or consumption.

Reusable Bag. A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

Single-Use, Plastic Carryout Bag. A bag, sheet or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term single-use, plastic carryout bag does not include reusable bags, or garment bags.

**REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS.**

The regulation of Single-Use Plastic Carryout Bags shall be phased in as follows:

**PHASE I.**

Voluntary: During the first ten months of the program, participation shall be voluntary. Businesses or Stores will be solicited by the Environmental Commission to participate on a voluntary basis. The Environmental Commission shall track progress and work with the Recycling Coordinator to create a tracking mechanism.

All data collected will be used to reinforce and assist with the enactment of Phase II of this program (the required participation).

**PHASE II.**

Required:

No business or store shall provide any single-use, plastic carryout bags, Styrofoam and polystyrene foam container and/or plastic straws to a customer at the check stand, cash register, point of sale, as otherwise provided in this Chapter.

PERMITTED

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All stores shall provide or make available to a customer recyclable (**preferred, not required**) paper carryout bags or reusable bags"

EXCEPTIONS.

Plastic straws may be provided to customers upon request.

VIOLATIONS AND PENALTIES.

A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Section 1-5, General Penalty and shall be enforceable by the Governing Body of the City of Lambertville.

APPENDIX C

RECYCLING PROGRAM

Commercial, Industrial and Institutional Establishments – only

Beginning January 1, 2020, all Commercial, Industrial and Institutional Establishments: the following items shall be added to the list titled: NOT RECYCLABLE:

plastic bags, plastic straws, polyethylene products, Styrofoam products for the use of packaging food products for sale to the public.

INTRODUCTION AND FIRST READING: AUGUST 21, 2018

PUBLIC HEARING AND FINAL ADOPTION: SEPTEMBER 17, 2018

Mayor DelVecchio asked if anyone had any questions or comments.

Cyndy Jahn commented that it was incumbent of us to move forward because of the pending legislation so that we can write our own destiny. Two members from the Environmental Commission, Liz Magill-Peer and Kelly Kappler, worked with the City Clerk to write this ordinance. It is comprehensive. Jeff tittle of the Sierra Club commented that it encourages people to carry reusable bags and it works a lot better that way.

Mayor DelVecchio commented that it doesn't become mandatory until January of 2020. The Environmental Commission can come back with additional language at a later date. This gets this going. Jeff tittle commented that this is the toughest ordinance in place in the State. Owow Cow has voluntarily started using wooden spoons; the Broadmoor, DeAnna's are all starting to make different choices for take-out. Cyndy Jahn commented that straws can still be made available at the request of the customer.

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Mayor DelVecchio asked for a motion to introduce on first reading Ordinance Number 16-2018. Councilman Sanders made a motion to introduce on first reading Ordinance Number 16-2018. Councilwoman Warner. seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio informed the members of the public that the public hearing is scheduled for Monday, September 17, 2018.

Mayor DelVecchio informed the members of the public present that the public hearing is scheduled for Monday, September 17, 2018.

*ORDINANCE NUMBER 17-2018: An Ordinance of the city of Lambertville, in the County of Hunterdon, New Jersey Providing for the Acquisition of a Garbage Truck in and for the City, appropriating \$240,000 Therefor, And Authorizing the Issuance of \$191,900 in General Improvement Bonds or Notes of the City to Finance the Same.*

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will fund the purchase of a new garbage truck.

**ORDINANCE NO. 17-2018**

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE,  
IN THE COUNTY OF HUNTERDON, NEW JERSEY,  
PROVIDING FOR THE ACQUISITION OF A GARBAGE  
TRUCK IN AND FOR THE CITY, APPROPRIATING  
\$240,000 THEREFOR, AND AUTHORIZING THE  
ISSUANCE OF \$191,900 IN GENERAL IMPROVEMENT  
BONDS OR NOTES OF THE CITY TO FINANCE THE  
SAME.**

**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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the \$240,000, including the sum of \$48,100 as the down payment for the improvement and purpose required by the Local Bond Law. The down payment has been made available by the receipt of the proceeds of an insurance claim by the City related to the casualty loss on a prior garbage truck owned by the City, which sum is hereby appropriated.

**Section 2.** In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes

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are hereby authorized to be issued in the principal amount of \$191,900, 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 hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of a new garbage truck to replace a previous garbage truck damaged in a fire, including such painting, branding and installation of radios and equipment necessary to allow the vehicle to be used for its intended use, and further including all work and related materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is \$191,900 authorized herein.

(c) The estimated cost of the improvements or purposes authorized herein is \$240,000.

**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 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 bond 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 N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 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 notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or

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obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 5.00 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 \$191,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 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 improvements or purposes.

(e) The City reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

**Section 7.** Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the City is 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 as to rate or amount.

**Section 9.** The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 10.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DeVecchio asked for any questions or comments from the public.

Kelly Kappler asked what fuel is being proposed for the new truck. The mayor said the Environmental Commission can take a look at it. She asked if they would be hybrid garbage trucks. The Public Works Director commented that the price will go up because we are using diesel fuel.

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A member of the public questioned how often we use a back-up truck. The Mayor commented frequently. The trucks are used 6 hours a day every day and trucks are valued by their hours not by mileage.

Councilwoman Warner asked if we could look into hybrid options and wait until we obtain the information. She expressed concern for being pigeon holed into doing it. The Public Works Director commented that it will take 120 days to make the truck.

Julia Fahl asked if the City looked into shared services for garbage collection. Mayor DelVecchio explained that the City has shared services agreements with the township of West Amwell for shared services, but there are no other municipalities that he is aware of in this county that do their own garbage and recycling collection. The Township of West Amwell doesn't haul garbage either, they have a place where people drop it off. The Mayor said he was open to it.

Ms. Fahl asked if we are the only municipality, doesn't it beg to question why we are doing it? Mayor DelVecchio commented that the City went out to bid 10 years ago and the numbers were about \$135,000 more for the city to privatize. We use inmates which helps to keep overall cost down. It isn't a competitive industry the last time one bid and it was in the amount of \$538,932 and other was in the amount of \$539,061. This is a \$129 difference between the two bids. This year and including the truck we talked about buying, salaries, wages, tipping fees, insurance, it's still \$130,00 cheaper, considering that we have the lowest taxes for anyone who has a police department in this County.

A member of the public asked if the city did an updated alternative analysis? Councilwoman Warner commented that it usually only goes up. Mayor DelVecchio commented that he gave year 1, and by year 5 it was \$570,000. The idea isn't a bad idea if you had a competitive industry.

Council President Stegman asked what we do if the Township of West Amwell doesn't have a truck to loan us?

A member of the public commented that they would rather know alternatives instead of approving a new purchase. Mayor DelVecchio commented, you would like us to go out to the market and test it over 5 years or a decade. The other issue is food waste, we wouldn't have that flexibility and we are the only one in the county providing food waste as an option and we would lose that flexibility. We amended the program in the middle of the cycle twice.

Council President Stegman commented that there are a lot of variables that were worth exploring as far as going out to a private hauler. It would be great to know what flexibility we would have.

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Mayor DelVecchio commented that he has no problem introducing this ordinance and in the mean time looking at other municipalities similar in size to Lambertville that are doing that and what they are paying for it. It's not exacting going out to the market, but it will be good to see what that number is.

Council President Stegman asked what it was like when the Mayor took office. Mayor DelVecchio commented that we had municipal pick-up of garbage and the county collected recycling. Our county got out of the business. We had a choice to either buy a truck and start doing it or nothing at all.

Councilwoman Warner asked what Frenchtown did. The Public Works Director commented that they had a private collection.

Mayor DelVecchio commented that the other significant factor is the referendum the city did to put the garbage back into the tax base, we would cost two people their jobs; and this represents a \$117 tax increase for people and you don't know if service is better. He said he would talk to the New Jersey State League of Municipalities for information.

Meagan Warner commented that bulk rate garbage permits would no longer be in existence. Sparkle week would need to pay a premium for. There is no question that the service is wise for relatively reasonable prices.

Mayor DelVecchio asked for a motion to introduce on first reading Ordinance Number 17-2018. Council President Stegman made a motion to introduce on first reading Ordinance Number 17-2018. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio informed the members of the public present that the public hearing is scheduled for Monday, September 17, 2018.

ORDINANCE NUMBER 18-2018: A Bond Ordinance of the City of Lambertville, County of Hunterdon, New Jersey in the Amount of \$20,000 to fund Engineering Services to Relocated the Elementary School.

Mayor DelVecchio read the ordinance into the record and informed the members of the public that this ordinance will fund fees of the City Engineer who will be working in conjunction with the Professionals of the South Hunterdon Regional School Districts Board of Education to review requirements of a new regionalized elementary school.

**ORDINANCE NO. 18-2018**

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE  
COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR**

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**ENGINEERING SERVICES RELATED TO PUBLIC  
INFRASTRUCTURE ASSESSMENT IN AND FOR THE CITY,  
APPROPRIATING \$20,000 THEREFOR, AND AUTHORIZING  
THE ISSUANCE OF \$19,000 IN GENERAL IMPROVEMENT  
BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.**

**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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the \$20,000, including the sum of \$1,000 as the down payments for the improvements and purposes required by the Local Bond Law. The down payment has been made 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 improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$19,000, 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 improvements hereby authorized and the purposes for which the bonds or notes are to be issued are engineering services related to the City's review and planning for public infrastructure and buildings, including but not limited to community and educational facilities, as more fully set forth in the project summary on file in the Office of the City Clerk, and including all work and related materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvements or purposes authorized herein 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 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 bond 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 N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued

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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 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 notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 15.00 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 \$19,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000 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 improvements or purposes.

(e) The City reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

**Section 7.** Any grant moneys received for the purposes described in Section 3 hereof, including the State Grant, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations

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shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**Section 9.** The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 10.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio asked for questions or comments from the public. There being no questions from the public, Mayor DelVecchio asked for a motion to introduce on first reading Ordinance Number 18-2018. Councilman Sanders made a motion to introduce on first reading Ordinance Number 18-2018. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio informed the members of the public present that the public hearing is scheduled for Monday, September 17, 2018.

**ORDINANCES – SECOND READING.**

ORDINANCE NUMBER 12-2018: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII, Traffic, Section 4.7 Handicapped Parking to Create a Barrier Free Handicapped Parking Space at Cavallo Park.*

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this Ordinance will create a handicapped parking space at Cavallo Park and was at the request of a resident.

**ORDINANCE NUMBER 12-2018**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII, Traffic, Section 4.7 Handicapped Parking to Create a Barrier Free Handicapped Parking Space at Cavallo Park*

**NOW THERE FOR BE IT ORDAINED** that the Lambertville City Code, 2014, Chapter VII, Traffic, Section 4.7 Handicapped Parking is hereby amended to include the following:

Mount Hope Street, West side of South Union, first parking space will be designated as a barrier free handicapped parking space and will meet all the required specifications, including size and signage.

INTRODUCED: July 17, 2018

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ADOPTED: August 21, 2018

Mayor DelVecchio opened the public hearing for Ordinance Number 12-2018 and asked for any questions or comments from the public. There being no comments from the public, Mayor DelVecchio asked for a motion to close the public hearing for Ordinance Number 12-2018. Councilwoman Warner made a motion to close the public hearing for Ordinance Number 12-2018. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion adopting Ordinance Number 12-2018, and granting final approval. Council President Stegman made a motion to adopt Ordinance Number 12-2018, granting final approval. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

*ORDINANCE NUMBER 13-2018: A Bond Ordinance Providing a Supplemental Appropriation of \$41,000 for the Professional and Consulting Fees Related to the Connaught Hill Redevelopment Efforts in and by the City of Lambertville, in the County of Hunterdon, in the State of New Jersey and Authorizing the Issuance of \$38,950 Bonds or Notes of the City for Financing Part of the Appropriation.*

Mayor DelVecchio read the Ordinance into the record by title. He informed the members of the public present that this ordinance will supplement previous ordinances to fund the professional and consulting fees related to Connaught Hill Redevelopment Efforts.

ORDINANCE NUMBER 13-2018

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$41,000 FOR THE PROFESSIONAL AND CONSULTING FEES RELATED TO THE CONNAUGHT HILL REDEVELOPMENT EFFORTS IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$38,950 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE APPROPRIATION.

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 of this bond ordinance has heretofore been authorized to be undertaken by the City of Lambertville, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$41,000 including the sum of \$2,050 as the down payment for the improvements and purposes required by the Local Bond Law. Such appropriation being in addition to the \$45,000 appropriated thereby by Bond Ordinance 25-2015, finally adopted September 15, 2015 and the \$41,000 appropriated thereby by Bond Ordinance 11-2017, finally

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adopted March 21, 2017 (together, the "Prior Ordinances").

**Section 2.** In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$38,950 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 improvements hereby authorized and the purposes for which the bonds or notes are to be issued is to fund professional services to effectuate redevelopment in established redevelopment areas, including but not limited to providing for the development of concept plans of various densities and incorporation of the preferred concept into a redevelopment plan, and associated changes to City Land Use records and controls, as more fully set forth in the project summary on file in the Office of the City Clerk, and including all work and related materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$121,400, including the \$82,450 bonds or notes authorized by the Prior Ordinances and the \$38,950 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$127,000, including the \$86,000 appropriated by the Prior Ordinances and the \$41,000 appropriated herein.

**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 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 bond 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 N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 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 notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 15.00 years.

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(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 \$38,950, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$127,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20, consisting of \$86,000 appropriated for such purposes in the Prior Ordinances and the \$41,000 appropriated herein, are included in the estimated cost indicated herein for the improvements or purposes.

(e) The City reasonably expects to commence the acquisition of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

**Section 7.** Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The full faith and credit of the City is 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 as to rate or amount.

**Section 9.** The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 10.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor DelVecchio opened the public hearing for Ordinance Number 13-2018 and asked for public comments. There being no public comments, Mayor DelVecchio asked for a motion to close the public hearing for Ordinance Number 13-2018. Council President Stegman made a motion to close the public hearing. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor DelVecchio asked for a motion to adopt on second reading, granting final approval for Ordinance Number 13-2018. Councilman Sanders made a motion to adopt on second reading, granting final approval of Ordinance Number 13-2018. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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**CORRESPONDENCE.**

ELIZABETHTOWN GAS: Notice of public hearings for rates and tariff which can be access through the website at [www.elizabethtowngas.com/rates-and-tariff](http://www.elizabethtowngas.com/rates-and-tariff).

STATE OF NJ: Notice of applications for the 2019 State Aid Programs.

JIM JACKSON: Request for a block party on Douglas Street on Saturday, September 22 (rain date: 09-23-18) between 90 and 120 Douglas Street from 3 – 8 pm.

Mayor DelVecchio asked for a motion to approve the request for a block party on Douglas Street. Council President Stegman made a motion to approve the block party. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

TOWNSHIP OF WOODBRIDGE regarding the 2018 Special Olympics.

DEBORAH JONES: Request for the 20<sup>th</sup> annual block party on Coryell Street on Sunday, September 2<sup>nd</sup>, (rain date: 09-09-18) from 1 to 11 pm.

Mayor DelVecchio asked for a motion to approve the request for a block party on Coryell Street. Councilman Sanders made a motion to approve the block party. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

DELAWARE RIVER TOWNS CHAMBER OF COMMERCE: Request for approval for the Two Town Turkey Trot, Thanksgiving Day, November 22, 2018 beginning at 8 am.

Mayor DelVecchio asked for a motion to authorize the Mayor, the City Attorney and the City Clerk to sign the Memorandum of Understanding with the Delaware River Towns Chamber of Commerce for the Turkey Trot. Council President Stegman made a motion to authorize Mayor, the City Attorney and the City Clerk to sign the Memorandum of Understanding with the Delaware River Towns Chamber of Commerce for the Turkey Trot. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**NEW BUSINESS.**

**MEDICAL MARIJUANA**

Mayor DelVecchio informed the members of the public present that the City has been asked to adopt a resolution to permit an ATC at 80 Lambert Lane. This is not much different than a drug store except all of the marijuana is in different forms. This is so that people that own 80 Lambert

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Lane can put an application into the State of New Jersey and will need an education plan, do research, and be involved with nonprofits in order for them to make the application. By authorizing this resolution, we are saying we support their application.

Ed Pursell, attorney representing the owners of 80 Lambert Lane, asked the City Council to approve the application to the State for the ATC. They are also looking to grow the site into a very sophisticated facility. All employees will need to submit to background checks and security is strictly enforced. Mayor DelVecchio asked who else they are competing with. Mr. Pursell responded that he isn't sure how many control properties. Mayor DelVecchio commented that he received many phone calls from interested applicants. Mr. Pursell responded that there were 600 attendees at the forum. There are currently 6 alternative treatment centers. Members of the public will need to present a prescription before receiving any of the medical marijuana.

Council President Stegman asked if they were talking about using the former brewery for this site and what were the proposed hours of operation. Mr. Pursell commented that they would have regular hours that comply with state laws. They would not be open late at night. Council President Stegman responded that he was concerned for traffic and circulation. Mayor DelVecchio commented that there was previously a gym at this site that was open 16 hours a day. This has a start and stop. They still need to apply to zoning for approval. This action only approves their application to the State of New Jersey.

A member of the public commented that they recently read about a growing facility, neighbors complained about odor. They asked if there is a large growing proposed and what they are doing so the town doesn't smell like pot. Attorney Pursell commented that it has to be indoor and an aerating system needs to be installed prior to obtaining a license, along with significant carbon filtering and design and engineering.

Councilman Sanders asked about their sense of foot traffic, and the number of customers. Mr. Pursell responded that Woodbridge is heavily used. It is hard to tell right now. Ultimately, there will be 6 more facilities in the state.

Tom Eagan asked for clarification on the action being taken tonight. Mayor DelVecchio commented that by adopting the resolution, the City is saying we are ok with them putting in an application for medical marijuana.

The Police Director, Bruce Cocuzza, asked about security. Mr. Pursell said it was part of the application process. They need to have 24 hours on site security. The Mayor asked that they meet with the Police Director to review their proposal.

A member of the public asked if they are given approval, does it guarantee approval of the project? Mr. Pursell commented that the local approval allows us to obtain a license from the State. Then we need to go through the land use approval process.

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Meagan Warner commented that she resides in a household where someone needs medical marijuana. People in our community need to go to Woodbridge to obtain the medical marijuana; we should look at this as an opportunity to offer it in Lambertville. This is not a gateway drug. Lambertville is on the cutting edge and this is really good for the city.

Mayor DelVecchio asked for a motion to adopt Resolution Number 133-2018.

**RESOLUTION NUMBER 133-2018**

*A Resolution to Approve the Existence of an ATC at Block 1022, Lot 8 of the Tax Map of the Tax Assessor of the City of Lambertville, Owned by Lambertville Canal Properties, LLC.*

WHEREAS, the Legislature of the State of New Jersey enacted legislation that permits, under strict state regulation, the use and sale of medical marijuana in the state pursuant to the Compassionate Care Act (P.L. 2009, c. 37); and

WHEREAS, the need for medical marijuana in the State of New Jersey far exceeds supply; and

WHEREAS, upon taking office Governor Murphy issued Executive Order Number Nine (E09) which directed the New Jersey State Department of Health (“Department”) to work to ensure that those within New Jersey who need medical marijuana were able to receive same; and

WHEREAS, on July 16, 2018 the Department issued a request for applications for additional ATC licenses within the State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 8:64-7(b)(2)(x), the Department requires that an applicant provide “written approval by the community or governing body of the municipality in which the alternative treatment center will be located;”

WHEREAS, the City of Lambertville desires to help ensure that those who need medical marijuana are able to obtain same; and

WHEREAS, the City of Lambertville has been approached by Lambertville Canal Properties, LLC about the possibility of locating an ATC at Block 1022, Lot 8 of the Tax Map of the Tax Assessor of the City of Lambertville (more commonly known as 80 Lambert Lane); and

WHEREAS, the City of Lambertville is agreeable with the existence of such as ATC at that location.

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:

1. The City of Lambertville approves of the existence of an ATC at Block 1022, Lot 8 of the Tax Map of the Tax Assessor of the City of Lambertville (more commonly known as 80 Lambert Lane).

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2. A copy of this adopted resolution shall be transmitted to Lambertville Canal Properties, LLC, ATTN: Robert Sansone.

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Council President Stegman made a motion to adopt Resolution Number 133-2018. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**SAVE LPS**

Mayor DelVecchio nominated the following people to serve on the Save LPS Committee: Lorie Howe, Sean Lewis, Mark Donlon, Tom Larkin, Roni Todd-Marino, Evan Lide, Darlene Yuhas.

Councilwoman Warner made a motion to confirm the Mayor's nomination. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**UNFINISHED/OLD BUSINESS.**

Mayor DelVecchio gave an update to the members of the public present on the following projects:

Swan Creek Flood Gates: The State is investigating ownership of one of the parcels. The City hasn't heard back from the commissioners. The Mayor talked to Dr. Ruth and is to hear about a second meeting. That means the property owner's angle has not been resolved yet.

Route 29 Road Diet: Gary Toth is working with the City. A walking tour is planned to see if we can get questions answered and resolve outstanding issues.

City Hall Interior/Justice Center – bid was awarded/rejected. Need to rebid for the fixtures and door installation at the Justice Center.

Sustainable Jersey: The City hired Keziah Groth-Tuft to aid with our application to Sustainable Jersey. The goal is to obtain a silver level. We continue to work on providing the documentation requested.

Community Aggregation: the bids were rejected as they exceeded JCP&L rates. The new auction will be in September or October.

D&R Canal Parking: The State has advised of ownership issues that the City is close to resolving those issues. The City Attorney and Judeth Yeaney of the Parks Commission will have a conference call. Council President Stegman commented that opening the park to the citizens, will

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make the area surrounding this piece of property accessible to the public and will add 150 parking spaces and will make the area more beautiful. The City will pay off the fees associated with the acquisition in 6 to 8 years based on what we get in parking revenue. This benefits the rowing club and the park itself. Shirley Kessler asked if this was the plan that the people who reside on the south end of town viewed. The Council President responded saying that this is the same plan and there will be a time for public comment once ownership issues are resolved. The railroad is the hold-up. Doug Gravier asked about the Council President's comments about making this "more beautiful." Council President Stegman responded that the area along the canal is overgrown and there is a railroad spur and a lot of debris. It will enhance the way that looks and improve access to the park while every effort will be made to take the plan and implement it in a way that augments and is positive visually.

PennEast Pipeline: The next meeting is in September.

LED Street Lights: we need an updated schedule for JCP&L. The project was stalled due to weather.

Parklets: Applications have been filed with SHPO and DRCC for the pop up parklets. DRCC approved the application.

Clinton Street Phase II: we are looking at a meeting with residents in September.

Utilities Paving: the road paving should begin in October.

CRS Committee: The Committee will be meeting next on September 12<sup>th</sup> and will make a recommendation to the Council at the September 17<sup>th</sup> session.

Public Buildings: Mayor DelVecchio asked the City Architect for a new schedule for the following projects:

Jail Roof – was awarded tonight.

Library Painting – bidding is in process.

City Hall Porch – waiting on SHPO to approve the amendment to the application.

Fence at Ely Field – bid was rejected and rebidding is in process.

Fence at Public Works: we are hopeful that the fence at the Public Works Yard will be completed by September 15.

**ANNOUNCEMENTS.**

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THE PUBLIC WORKS DEPARTMENT/SUMMER HOURS: Summer Hours are from 6 am to 2 pm. Please have your garbage and recycling to the curb by 6 am for pick-up. The yard will open to the public from 7 am to 1 pm for residents to deposit lawn debris and recycling.

RABIES CLINIC: The City will hold the annual rabies clinic on Saturday, September 15, 2018 from 1 – 3 pm at the Union Fire House located at 230 North Main Street. Dr. Maxian from Ringoes Veterinary will administer the vaccine. Please make sure your pet is on a leash or in a carrier and come prepared to clean up after them.

**PUBLIC PARTICIPATION/PETITION OF CITIZENS AND PUBLIC DISCUSSION.**

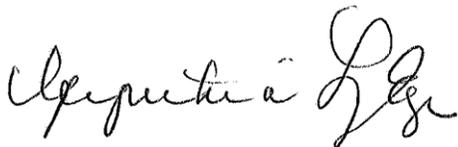
Steve Chernoski asked if the City had a high definition map that shows what is owned by the city, the station and the State. Council President Stegman commented that we have tax maps.

Judy asked if the Post Office was owned by the Federal Government or by someone locally. Mayor DeVecchio responded that it was owned by the DeSapio group.

**ADJOURNMENT.**

The meeting adjourned at 8:50 p.m. with a motion made by Councilwoman Warner and seconded by Council President Stegman. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege  
CMR, RMC, City Clerk

*The August 21, 2018 session minutes were approved at the September 17, 2018 regularly scheduled session.*