



**City of Lambertville**  
**REGULARLY SCHEDULED SESSION**  
**MONDAY, NOVEMBER 30, 2020, 6:30 PM**  
**VIRTUAL MEETING USING ZOOM**  
**AGENDA**

Please use this link to obtain information for meeting participation:

<http://lambertvillenj.org/virtualmeetings>

[Amended 11-23-2020](#)

[Second Amendment 11-24-2020](#)

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

This meeting is being held in compliance with the Open Public Meetings Act with the Annual Notice advertised in Trenton Times; the meeting notice was provided to the Hunterdon County Democrat and Trenton Times, sent to department heads, members of the listserv and was posted on the glass doors of the elevator entrance at City Hall. The meeting agenda was posted on the Bulletin Board at City Hall, on the City's website at [www.lambertvillenj.org](http://www.lambertvillenj.org).

This session will be recorded using Zoom. The recording will be posted to the City's website.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

**II. CLOSED SESSION: *A Resolution to go into Closed Session to discuss Attorney/Client Privileged Issues Related to Contract Negotiations, Pursuant to N.J.S.A. 40:4-12(b)(7)***

**RESOLUTION**

*“Authorizing a Closed Session at the November 30, 2020 Lambertville City Council Meeting to Discuss Attorney/Client Privileged Issues Related to Contract Negotiations, Pursuant to N.J.S.A. 40:4-12(b)(7)”*

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

**WHEREAS**, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

**WHEREAS**, it is necessary for the City to discuss, in a session not open to the public, attorney-client privileged issues related to contract negotiations involving the City, pursuant to N.J.S.A. 10:4-12(b)(7).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville that a closed session shall be held on November 30, 2020, via Zoom, to discuss attorney/client issues related to contract negotiations involving the City, pursuant to N.J.S.A. 40:4-12(b)(7).

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

**ADOPTED:**

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

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

III. ROLL CALL

Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, Mayor Fahl

IV. PLEDGE OF ALLEGIANCE

V. MOMENT OF SILENCE

- a. Those serving in the United States Arms Forces in Country and Abroad;
- b. Those serving on the front lines of COVID19

VI. BILLS LIST

VII. RESOLUTIONS

CONSENT AGENDA:

- a) RESOLUTION NUMBER 139-2020: *A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020 – City Attorneys, 20-2020 – City Planner, and 19-2020 – City Engineer.*

RESOLUTION NUMBER 139-2020

*A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020 – Attorneys, 20-2020 – City Planner, and 19-2020 City Engineer.*

WHEREAS, on January 7, 2020, the Governing Body of the City of Lambertville awarded contracts for professional services; and

WHEREAS, the following not to exceed amounts in the resolutions for professional services is amended to read:

Resolution Number 10-2020 for City Engineer: Suburban Consulting Engineers, LLC, an increase in the contract from \$7,500 to a not to exceed amount of \$13,500.00;

Resolution Number 20-2020 for the City Planner for matters related to COAH: Clarke Canton Hintz, an increase the contract from \$15,000 to a not to exceed amount of \$36,300.00;

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Resolution Number 17-2020 for COAH Attorney: Malamut, an increase the contract from \$15,000 to a not to exceed amount of \$27,300.00.

NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville, in the County of Hunterdon, that the amendments to resolutions listed adopted on January 7, 2020 are hereby authorized.

ADOPTED: November 30, 2020

- b) RESOLUTION NUMBER 142-2020: *A Resolution to Adopt the 2019 Corrective Action Plan.*

**RESOLUTION NUMBER 142-2020**

*A Resolution to Adopt the 2019 Corrective Action Plan for the Audit*

**WHEREAS**, the 2019 Audit of the City of Lambertville’s financials was completed by Mercadien on October 30, 2020, and

**WHEREAS**, the Governing Body accepted the Audit on November 10, 2020; and

**WHEREAS**, the synopsis was published in the November 16, 2020 edition of the Trenton Times; and

**WHEREAS**, the Certified Municipal Finance Officer completed the Corrective Action Plan and submitted it for Governing Body approval at the November 30, 2020 session.

**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 Corrective Action Plan for the 2019 Audit completed by the Certified Municipal Finance Officer is hereby adopted; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to file the Corrective Action Plan with the State of New Jersey, Department of Local Government Services.

ADOPTED: November 30, 2020

- c) RESOLUTION NUMBER 143-2020: *A Resolution to Authorize the Transfers in the 2020 Budget*

*Text added 11-23-2020.*

**RESOLUTION NUMBER 143-2020**

RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS  
PURSUANT TO N.J.S.A 401:4-58

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

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WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated; now

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

<u>ACCOUNT</u>	<u>IN</u>	<u>OUT</u>
FIRE INSPECTION O/E	\$ 2,600.00	
BUILDINGS & GROUNDS O/E	\$ 500.00	
STREET LIGHTING	\$ 500.00	
MASTER PLAN O/E		\$ 5,000.00
MAINTENANCE OF TAX MAP O/E		\$ 2,000.00
LEGAL O/E	\$ 15,000.00	
ADMINISTRATION S&W		\$ 29,000.00
SOLID WASTE S&W	\$ 16,500.00	
MUNICIPAL CLERK S&W	\$ 2,300.00	
FINANCE S&W	\$ 3,400.00	
PARKS & PLAYGROUNDS O/E		\$ 1,000.00
ADMINISTRATION O/E		\$ 3,800.00
<b>TOTAL</b>	<b>\$ 40,800.00</b>	<b>\$ 40,800.00</b>

d) RESOLUTION NUMBER 144-2020: A Resolution to Authorize the Refund of Fourth Quarter Overpayments to Corelogic as follows.

**RESOLUTION NUMBER 144-2020**

*A Resolution to Authorize the Refund of Fourth Quarter Overpayments to Corelogic*

WHEREAS, Corelogic, a vender used by financial institutions for the purpose of collecting and making tax payments submitted duplicate payments for fourth quarter property taxes in the City of Lambertville; and

WHEREAS, Block 1048, Lot 59, is due a refund in the amount of \$250.00 for a senior citizen deduction allowed in late October, 2020.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds due to Corelogic are hereby authorized:

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Block 1005, Lot 31, in the amount of \$2,324.54  
Block 1016, Lot 18, in the amount of \$2,605.54  
Block 1024, Lot 12, in the amount of \$2,657.30  
Block 1070, Lot 7.10, in the amount of \$1,613.89  
Block 1048, Lot 59, in the amount of \$250.00

- e) RESOLUTION NUMBER 145-2020: A Resolution to Authorize the Refund of Fourth Quarter Taxes for Block 1030, Lot 4 Due to a Veterans' Disability Status in the Amount of \$2,460.42 to Corelogic Centralized.

RESOLUTION NUMBER 145-2020

*A Resolution to Authorize the Refund of Fourth Quarter Taxes for Block 1030, Lot 4 Due to a Veterans' Disability Status in the Amount of \$2,460.42 to Corelogic Centralized*

WHEREAS, the Tax Assessor has certified that the owner of 57 N. Union Street meets all of the requirements to receive Veterans Status;

WHEREAS, the Tax Collector requested that the Governing Body authorize the refund of fourth quarter tax payments made for 2020 in the Amount of \$2,460.42 to Corelogic.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the refund of tax payments made for 2020 in the Amount of \$2,2460.42 is hereby authorized.

- f) RESOLUTION NUMBER 146-2020: A Salary & Wage Resolution Authorizing Retro Pay to the Police Secretary and to Pay Construction officials for the Shared Services Agreement with the Borough of Frenchtown.

RESOLUTION NUMBER 146-2020

*A Salary & Wage Resolution for the Retired Police Secretary and the Shared Services Agreement with the Borough of Frenchtown*

WHEREAS, Sally Lelie retired from her position as the Secretary to the Police Department on May 1, 2020 and is therefore due the 2% pay increase from January 1 to May 1, 2020;

WHEREAS, the City of Lambertville serves as the lead agency for Construction Services with the Borough of Frenchtown and salary & wage is due to Construction, Electric, Plumbing and Fire Subcode Officials for the work completed in 2020.

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NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following Salary and Wage Payments is hereby authorized:

Sally Lelie

Kenneth Rogers

Timothy Dieterman

Keith Steele

Victor Timpenaro

g) RESOLUTION NUMBER 147-2020: A Resolution to Cancel Resolution Number 134-2020, the Contract with W. E. Timmerline, Co., Inc. to Fix the Street Sweeper in the Amount of \$23,300.00.

*A Resolution to Cancel Resolution Number 134-2020, the Contract with W.E. Timmerline, Co., Inc. to fix the Street Sweeper in the Amount of \$23,300.00*

WHEREAS, the contract with W. E. Timmerline Co., Inc., was approved at the October 22, 2020 voting session of the Governing Body, and;

WHEREAS, the Vender advised it would require approximately three weeks to fix the Street Sweeper; and

WHEREAS, the City of Lambertville suspends the Street Sweeper for the winter months because the temperature is usually below freezing and causes a breakdown.

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 Resolution Number 14-2020 is hereby canceled and the contract with W.E. Timmerline Co., Inc. in the amount of \$23,300.00 is hereby void.

*New Additions:*

h) RESOLUTION NUMBER 149-2020: A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 65 in the Amount of \$4,473.63 Plus a Premium in the Amount of \$9,400.00

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**RESOLUTION 149-2020**

*A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 65 In the Amount of \$4,473.63 Plus a Premium in the Amount of \$9,400.00*

**WHEREAS**, Tax Lien Certificate 20-00001 issued on Block 1002 Lot 65 was sold to Andrew Maskell IRA, 109 Vernon Street, Bordentown, NJ, 08505.

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

**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 Andrew Maskell IRA, 109 Vernon Street, Bordentown, NJ, 08505 for the redemption of tax lien certificate #20-00001 in the amount of: \$4,473.63

In addition, the City is holding a premium in the amount of \$9,400.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$ \$4,473.63

Check 2= for premium= \$9,400.00

ADOPTED: November 30, 2020

- i) RESOLUTION NUMBER 150-2020: A Resolution Authorizing the Payment of Funds to the Lambertville Municipal Utilities Authority for the 2019 Tax Sale Held on October 19, 2020 in an Amount Not to Exceed \$5,041.84

**RESOLUTION NUMBER 150-2020**

*A Resolution Authorizing the Payment of Funds to the Lambertville Municipal Utilities Authority for the 2019 Tax Sale Held on October 19, 2020 in an Amount Not to Exceed \$5,041.84*

**WHEREAS**; the City of Lambertville held the annual 2019 tax sale for unpaid property tax and sewer fees on October 19, 2020; and

**WHEREAS**, the amount due and payable to the Lambertville Municipal Utilities Authority is \$5,041.84, with the principal and interest.

**THEREFORE, BE IT RESOLVED**; that the Mayor and City Council of the City of Lambertville, in the County of Hunterdon authorize the payment of funds to the Lambertville Municipal Utilities Authority for the 2019 tax sale held on October 19, 2020 in an amount not to exceed \$5,041.84.

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- j) RESOLUTION NUMBER 151-2020: A Resolution Ratifying and Affirming the Termination of former Business Administrator Alex Torpey

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RESOLUTION NUMBER 151-2020

*A Resolution Ratifying and Affirming the Termination of former Business Administrator  
Alex Torpey*

WHEREAS, on July 29, 2020, the City of Lambertville (the “City”) terminated Business Administrator Alex Torpey, pursuant to Chapter 2-5.1(A)(1) of the City Code of the City of Lambertville (the “Code”); and

WHEREAS, the City is governed by the Faulkner Act (*N.J.S.A. 40:69A-1, et seq.*) under the Small Municipality form of government available for municipalities with a population of under 12,000 (*N.J.S.A. 40:69A-115*), as implemented by direct petition as of January 1, 1983; and

WHEREAS, the City government consists of a Mayor and a four-member City Council -- all elected positions; and

WHEREAS, pursuant to the Code, the head of each department is a Director appointed by the Mayor (Code, § 2-5.2 a); the City Business Administrator is the Director the of Department of Administration (Code, § 2-5.2 b; § 2-7.1 a); and

WHEREAS, pursuant to the Code “[e]ach department head shall serve at the pleasure of the Mayor” (Code, § 2-5.2 e); and “[e]ach department head shall serve during the term of the Mayor appointing him/her unless removed from office by the Mayor...” (Code, § 2-5.2 d); and

WHEREAS, the City established the position of business administrator by Ordinance No. 03-2019 on March 21, 2019; and

WHEREAS, by letter dated April 1, 2019, the City made an offer of “at will” employment for the position of business administrator to Alex Torpey; and

WHEREAS, Mr. Torpey accepted the position with the City in accordance with the letter, and held that position until July 29, 2020; and

WHEREAS, Mr. Torpey was terminated from his employment as business administrator on July 29, 2020 effectively immediately by the Mayor, pursuant to the Faulkner Act and Code; and

WHEREAS, under the Faulkner Act, the mayor is the chief executive and responsible for supervising the departments of the municipal government. *See, City Council v. Brown*, 249 N.J. Super. 185, 188-189 (App. Div. 1991); *N.J.S.A. 40:69A-32b*; *N.J.S.A. 40:69A-40*; and

WHEREAS, Department heads, appointed by the mayor, may be removed by the mayor who may also remove any other municipal executive officers, subject to council disapproval. *See, N.J.S.A. 40:69A-43(c)*; and

WHEREAS, on or about September 4, 2020, Mr. Torpey instituted a civil law suit by Verified Complaint, entitled Alex Torpey v. City of Lambertville, Docket No.: HNT-L- 000331-20 and Order to Show Cause (hereinafter the “Action”), in which, among other things, Torpey

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contends that he was improperly removed under *N.J.S.A. 40A:9-138* by the “willful” unilateral action of the Mayor; and

WHEREAS, the City opposed to the Order to Show Cause, and among other things, asserted that the Mayor had the authority to remove Mr. Torpey as business administrator – a department head - under the Faulkner Act and Code; and, that Torpey was an “at will” employee who may be terminated for any reason or no reason; and, that Torpey was properly terminated from his position as business administrator; and

WHEREAS, on October 1, 2020 the Honorable Michael F. O’Neill, J.S.C. denied Torpey’s Order to Show Cause in which he sought to be reinstated as business administrator pursuant to *N.J.S.A. 40A:9-138*;

WHEREAS, *N.J.S.A. 40A:9-138* provides in pertinent part: “The municipal administrator may be removed by a 2/3 vote of the governing body.”; and

WHEREAS, notwithstanding the Mayor’s authority under the Faulkner Act and Code to remove Torpey as the City business administrator, the Mayor and Council now seek to limit any future potential claim or recovery by Torpey against the City for front pay and salary pending the final resolution of the Action (in the event that the Court rules that *N.J.S.A. 40A:9-138* is applicable and controlling over the Faulkner Act and Code); and

WHEREAS, by undertaking a 2/3 vote and adopting the within Resolution, the City is not making any admissions in any way; including: no admission that *N.J.S.A. 40A:9-138* is controlling, and no admission that Mr. Torpey was not properly removed by the Mayor under the Faulkner Act, the Code, or otherwise; and

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 termination of former Business Administrator Alex Torpey is hereby ratified and affirmed.

ADOPTED: November 30, 2020

END OF CONSENT AGENDA

VIII. CLOSSON PROPERTY PURCHASE

PUBLIC HEARING AND SECOND READING:

*ORDINANCE NUMBER 14-2020: An Ordinance Authorizing the Purchase of Property Located at 260 North Main Street, Block 1002, Lot 41, and Authorizing the Execution of Agreements in Connection Therewith*

*An Ordinance Authorizing the Purchase of Property Located at 260 N. Main Street (Block 1002, Lot 41) and Authorizing the Execution of Agreements in Connection Therewith*

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WHEREAS, David and Edward W. Closson (the “Clossons”) own the property shown on the City of Lambertville’s (the “City”) Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the “Closson Property”); and

WHEREAS, currently situated on the Closson Property are the Homestead Farm Market and associated improvements and parking space related thereto, a residential home, a barn, a revolutionary-era stone farmhouse that served as a headquarters for George Washington and his troops (the “Washington Headquarters”), along with significant open space and gardens; and

WHEREAS, the Closson Property is of significant cultural value to our community; and

WHEREAS, the City’s Governing Body understands the intrinsic value of preserving the rural character of our community; and

WHEREAS, the Washington Headquarters is an important piece of the fabric of our historic community; and

WHEREAS, pursuant to *N.J.S.A. 40:12-15.7* and *N.J.S.A. 40A:12-5*, and in furtherance of its effort to acquire land for recreation and conservation purposes, and for the continued performance of essential City functions, the City desires to purchase from the Clossons the Closson Property, pursuant to a Purchase and Sale Agreement by and between the City and the Clossons (the “Agreement”); and

WHEREAS, in order to set forth the terms and conditions under which the City and the Clossons will carry out their respective obligations with respect to the transaction described herein, the City desires to authorize the execution of the aforementioned Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The price to purchase the Closson Property from the Clossons is not to exceed \$2,900,000.00, and is hereby deemed to be reasonable.
3. The Mayor is hereby authorized to execute the Agreement, in substantially the same form as that on file with the City Clerk, and any and all documents necessary to effectuate the acquisition from the Clossons of the Closson Property, upon such terms and conditions as are set forth in the Agreement.
4. The terms of the Agreement are reasonable, and the City is further authorized to take all steps necessary for the conduct of due diligence at the Closson Property pursuant to said Agreement.

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- 5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law.
- 6. This Ordinance shall take effect pursuant to applicable law.

FIRST READING AND INTRODUCTION: November 10, 2020

SECOND READING AND PUBLIC HEARING: November 30, 2020

**INTRODUCTION AND FIRST READING:**

ORDINANCE NUMBER 19-2020: *A Bond Ordinance to Fund Professional Services and Commission Work Related to the Purchase of the Closson Property, Block 1002, Lot 41. Ordinance is in process.*

**IX. EMERGENCY RESOLUTION AND ORDINANCE**

*Please note: Approved by DLGS on November 18, 2020.*

- a. ORDINANCE NUMBER 13-2020: *ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$438,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:**

**Section 1.** The City of Lambertville, in the County of Hunterdon, New Jersey (the "City") hereby appropriates an aggregate amount of \$438,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$43,000, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the City during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$395,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual

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and aggregate amounts set forth herein or such other amounts as certified by the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

**Section 2.** The City shall apply for any financial assistance that may be available to the City from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the City shall be utilized to offset any operating deficit.

**Section 3.** A copy of this ordinance as finally adopted shall be filed with the Director.

**Section 4.** This ordinance shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the City for approval of the special emergency authorized hereby (the "Application") and (b) the date that is 45 days (or the first business day following such 45<sup>th</sup> day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

b. RESOLUTION NUMBER 148-2020: A Resolution  
*Authorizing the Issuance of Special Emergency Notes in An Amount Equal to the Special Emergency Appropriation Made for the Purposes Set Forth in N.J.S.A. 40A:4-53(L) and or N.J.S.A. 40A:4-53(M), in and by the City of Lambertville, in the County of Hunterdon, New Jersey*

RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN AN AMOUNT EQUAL TO THE SPECIAL EMERGENCY APPROPRIATION MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY

**BE IT RESOLVED 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.** An ordinance authorizing a special emergency appropriation of \$438,000, or such other amount certified by the Director of the Division of Local Government Services (the "Authorized Amount"), by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m) has been finally adopted by the City Council of the City, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

**Section 2.** (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the City is hereby authorized to borrow the Authorized Amount and to issue its special emergency notes (the "Notes") therefor in

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accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55) (the "Local Budget Law").

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the Chief Financial Officer of the City pursuant to this resolution.

(c) The City may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for, beginning in the year after the year in which the resulting deferred charge appears in the City's unaudited financial statement.

**Section 3.** The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the Chief Financial Officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year, beginning in the year after the year in which the resulting deferred charge appears in the City's unaudited financial statement, so that all Notes and renewals shall have matured and have been paid not later than the last day of the sixth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The Notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination;

(d) The City shall apply for any financial assistance that may be available to the City from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the City shall be utilized to offset any operating deficit or, if applicable, to payment of the Notes issued hereunder. The amount of Notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 4.** The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination.

**Section 5.** The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

**Section 6.** Any instrument issued pursuant to this resolution shall be a general obligation of the City. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise

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paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

**Section 7.** The Chief Financial Officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

**Section 8.** The City hereby makes the following covenants and declarations with respect to Notes to be issued by the Chief Financial Officer of the City on a tax-exempt basis, if any. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**Section 9.** Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the City shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) Not more than 270 days following the close of the fiscal year, beginning with the fiscal year following the issuance of the Notes, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the City consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the City and certain financial information and operating data consisting of (1) City indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the City; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Notes, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;

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- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the City;
- (13) The consummation of a merger, consolidation or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the City, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial

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Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the City to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such Chief Financial Officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(f) In the event that the City fails to comply with this resolution or the written contract or undertaking, the City shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

**Section 10.** A copy of this resolution as adopted shall be filed with the Director.

**Section 11.** This resolution shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the City (the "Application") and (b) the date that is 45 days (or the first business day following such 45<sup>th</sup> day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

The foregoing resolution was adopted by the following vote:

AYES:

X. ORDINANCES – PUBLIC HEARING AND SECOND READING/OTHER

- a. ORDINANCE NUMBER 15-2020: *An Ordinance to Amend the Lambertville City General Ordinances, 2014, to Include a Handicapped Parking Space in front of 29 North Franklin Street.*

ORDINANCE NUMBER 15-2020  
*An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 29 North Franklin Street.*

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NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front 29 North Franklin Street is authorized as follows:

North Franklin Street, on the south side of the street in front of 29 North Franklin Street.

INTRODUCED: November 10, 2020

PUBLIC HEARING AND ADOPTION: November 30, 2020

- b. ORDINANCE NUMBER 16-2020: *An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **Remove and Replace the Free** Two Parking Spaces with Meters on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.*

**ORDINANCE NUMBER 16-2020**

*An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to Remove and Replace the Two Free Parking Spaces With Meters on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.*

BE IT ORDAINED by the Mayor and Governing Body of the City of Lambertville that Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **remove** and replace the two free parking spaces with meters as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Hours</i>	<i>Location</i>
Bridge Street	South	9 am to 9 pm	First two parking spaces on the south side of Bridge Street west of Main Street.

INTRODUCTION AND FIRST READING: November 10, 2020

ADOPTION AND SECOND READING: November 30, 2020

**XI. ORDINANCES – INTRODUCTION AND FIRST READING**

- a. ORDINANCE NUMBER 19-2020: *An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 407, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in front of 34 Perry Street*

**ORDINANCE NUMBER 19-2020**

*An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 34 Perry Street Street.*

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NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front 34 Perry Street Street is authorized as follows:

Perry Street, on the north side of the street in front of 34 Perry Street.

INTRODUCED: November 30, 2020

PUBLIC HEARING AND ADOPTION: December 17, 2020

- b. ORDINANCE NUMBER 18-2020: AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ADOPTING THE POLICE STATION TRACT REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ADOPTING THE POLICE STATION TRACT REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.**

**WHEREAS**, the City of Lambertville, a public body corporate and politic of the State of New Jersey (the “**City**”), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”) to determine whether certain parcels of land within the City constitute an area in need of redevelopment; and

**WHEREAS**, by Resolution No. 95-2020, adopted on July 23, 2020, the Mayor and Council of the City (the “**Mayor and Council**”) designated Block 1003, Lot 3 on the Official Tax Map of the City (the “**Property**”) as an ‘non-condemnation area in need of redevelopment’ pursuant to the Redevelopment Law; and

**WHEREAS**, by Resolution No. 95-2020, adopted on July 23, 2020, the Mayor and Council directed the Planning Board of the City (the “**Planning Board**”) to prepare a redevelopment plan for the Property and to take any action necessary to effectuate its review of same so that a recommendation may be made to Mayor and Council; and

**WHEREAS**, pursuant to the Redevelopment Law, the Planning Board caused Clarke Caton Hintz to prepare a redevelopment plan for the Property, entitled the “*Police Station Tract Redevelopment Plan*”, dated October 23, 2020 (the “**Redevelopment Plan**”), attached hereto as Exhibit A; and

**WHEREAS**, after due consideration of the Redevelopment Plan at a duly noticed and constituted public meeting held on November 18, 2020, the Planning Board determined that the Redevelopment Plan is consistent with the Township’s Master Plan, and recommended that the Mayor and Council enact the Redevelopment Plan; and

**WHEREAS**, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Governing Body believes that the adoption of the Redevelopment Plan is in the best interests of the City of Lambertville and the redevelopment of the Property.

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, that:

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**SECTION 1.** Upon review of the Planning Board’s recommendations, and pursuant to the authority granted to the Governing Body by *N.J.S.A. 40A:12A-7*, the Redevelopment Plan, dated October 3, 2020, prepared by Clarke Caton Hintz, and attached hereto as Exhibit A, is hereby adopted.

**SECTION 2.** Pursuant to the provisions of *N.J.S.A. 40A:12-7(c)*, the Redevelopment Plan hereby supersedes applicable provisions of the City of Lambertville Land Use Ordinance. In so doing the Redevelopment Plan shall constitute an explicit amendment to the City Zoning Map to identify the Property as the boundaries of the area regulated by the Redevelopment Plan. The official City Zoning map shall be amended to henceforth coincide with the Redevelopment Plan.

**SECTION 3.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

**SECTION 4.** If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

**SECTION 5.** This ordinance shall take effect after final approval and publication according to law.

INTRODUCTION AND FIRST READING: November 30, 2020

PUBLIC HEARING AND SECOND READING: December 17, 2020

**XII. ANNOUNCEMENTS**

- a. **WAIVER OF FEES RELATED TO TENTS FOR BUSINESSES:** Mayor Fahl has authorized the waiver of all fees related to the installation of tents for businesses due to COVID19 (\$75.00 fee).
- b. **PARKING NEWS!** All metered parking is free on Thanksgiving Day, November 26, 2020 and from December 17<sup>th</sup> through December 25!
- c. **ANNUAL TREE LIGHTING** is scheduled for Saturday, December 12, 2020 at 4:30 p.m. at the corner of South Union and Bridge Street.
- d. **ANNUAL MENORAH LIGHTING** is scheduled for Wednesday, December 16, 2020 at 6:30 p.m. at the corner of South Union and Bridge Street.
- e. **HOLIDAYS**
  - November 25, 2020 - Day before Thanksgiving – City Hall is closed, all other departments are closing at 12:30 pm.
  - November 26, 2020, Thanksgiving Day - All Offices are closed a full day.

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November 27, 2020 Day after Thanksgiving (except Sanitation personnel who work on this Day).

*Garbage and Recycling scheduled for Thursday and Friday will be picked up on Friday.*

December 23, 2020, the Eve of Christmas Eve, all Offices will close at 12:30 pm

December 24, 2020, Christmas Eve, All Offices are closed a full day.

December 25, 2020, Christmas Day - All Offices are closed a full day.

*Garbage and Recycling scheduled for Thursday and Friday, will be picked up on Thursday, December 24.*

December 31, 2020, New Year's Eve, All Offices are closed a full day

*Garbage and Recycling scheduled for Thursday and Friday, will be picked up on Thursday, December 31.*

- f. APPOINTMENTS TO BOARDS AND COMMISSIONS: The City is in the beginning stages of planning appointments for the 2021 calendar year. If you are currently serving on a board or commission, or if you would like to be considered for an appointment, please submit your letter of interest and resume to the Mayor, Council President and City Clerk using the following email addresses:
- i. [mayorfahl@lambertvillenj.org](mailto:mayorfahl@lambertvillenj.org)
  - ii. [Councilpresidentasaro@lambertvillenj.org](mailto:Councilpresidentasaro@lambertvillenj.org)
  - iii. [cityclerk@lambertvillenj.org](mailto:cityclerk@lambertvillenj.org)
- g. CONVENIENCE CENTER HOURS: For additional information, please visit the city's website at: <https://lambertvillenj.org/newsfeed-pages/389-the-city-of-lambertville-convenience-center>
- i. Saturday, December 5, 2020 from 9 am to 12 noon;

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ii. Wednesday, December 16, 2020 from 3 – 5 p.m.

XIII. PUBLIC PARTICIPATION/PUBLIC CONCERN

XIV. ADJOURNMENT

C: Department Heads, City Attorney, City Engineer, Posting on the bulletin board at City Hall, the exterior glass doors by the elevator room at City Hall, on the exterior glass door of the Justice Center, the website ([www.lambertvillenj.org](http://www.lambertvillenj.org)) and notice was sent to the Democrat, the Trenton Times, various individuals on the list serve, Delaware River Towns Chamber of Commerce listserv, and the Bucks County Herald.