



City of Lambertville
Regularly Scheduled Session
Tuesday, February 16, 2016, 6:30 p.m.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville
Minutes

OPEN PUBLIC MEETINGS ACT.

The meeting was called to order at 6:36 p.m. by Mayor DelVecchio who 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 Clerk providing the required notice on Thursday, February 11, 2016 to the Democrat, the Times, posting of the agenda to the bulletin board at city hall, the website at www.lambertvillenj.org, and noticing various people on the list serve, inclusive of department heads, city attorney and city engineer.

ROLL CALL.

The Clerk called the roll as follows:

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

Absent: None.

CLOSED SESSION.

Resolution to go into Closed Session to discuss contracts, acquisition of property, potential law suits and personnel.

PLEASE NOTE: *Mayor and Council will go into closed session at 6:30 p.m. and re-convene in open session at 7:00 p.m.*

RESOLUTION

“Authorizing a Closed Session at the February 16, 2016 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 February 16, 2016, 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:

Mayor DelVecchio and City Council convened in closed session at 6:36 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Warner. An affirmative voice/roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Roll Call: Councilwoman Asaro, Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Mayor DelVecchio and City Council re-convened in regular session at 7:11 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Warner. 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.

Mrs. Ege led the public in a moment of silence in honor of those serving in the United States Armed Forces.

APPROVAL OF MINUTES.

Mayor DelVecchio asked for a motion to approve the following sets of minutes: January 19, 2016 Regular Meeting Minutes, January 19, 2016 Closed Session Minutes, and January 28, 2016 Special Session Minutes.

Councilman Sanders made a motion to approve the minutes 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.

ADMINISTRATIVE REPORTS.

Mayor DelVecchio asked for a motion to approve the Administrative Reports as listed on the agenda (Tax Collector – Cynthia McBride, Municipal Court Administrator – Patricia Wozniak, Construction Official – Ken Rogers, Zoning Officer – Dick McManus, Fire Inspector – Frank D’Amore, Police Director – Bruce Cocuzza, Public Works Director – Lester Myers, City Clerk – Cynthia L. Ege, and Chief Financial Officer and Treasurer – Christie Ehret).

Councilwoman Warner made a motion to approve the Administrative Reports. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS.

NIECE LUMBER – recognition for all of their assistance and support throughout Winter Storm Jonas.

Mayor DelVecchio informed the members of the public present that this proclamation is being held to the March agenda at the request of the owners of Niece Lumber.

AMERICAN RED CROSS MONTH – MARCH 2016

AMERICAN RED CROSS MONTH 2016
A Proclamation

WHEREAS, in the City of Lambertville, we have a long history of helping our neighbors in need.

American Red Cross Month is a special time to recognize and thank our Everyday Heroes – those selfless Red Cross volunteers and donors who give of their time and resources to help community members; and

WHEREAS, these heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning, or choking. They enable children around the globe to be vaccinated from measles and rubella; and

WHEREAS, the American Red Cross depends on local heroes to deliver help and hope during a disaster. We applaud our heroes here in the City of Lambertville who give of themselves to assist their neighbors when they need a helping hand; and

WHEREAS, Across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict, or migration; and

WHEREAS, We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW, THEREFORE BE IT RESOLVED BY the Governing Body of the City of Lambertville, by virtue of the authority vested in me by the Constitution and laws of the City of Lambertville, County of Hunterdon, State of New Jersey, do hereby proclaim March 2016 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, in the year of our Lord two thousand sixteen, and of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey.

ADOPTED: February 16, 2016

David M. DelVecchio, Mayor

Mayor DelVecchio asked for a motion to adopt the proclamation for the American Red Cross Month. Council President Stegman made a motion to adopt the proclamation for the month of March 2016. Councilwoman Asaro 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.*

Resolution Number 42-2016: A Resolution to Correct Resolution Number 127-2015, A Resolution to Approve the Request of the Tax Collector, Authorizing Corrections Due to Tax Assessor Errors or Successful Tax Appeals

City of Lambertville

RESOLUTION NUMBER 42-2016

A Resolution to Approve the Request of the Tax Collector, Authorizing Corrections Due to Tax Assessor Errors or Successful Tax Appeals

WHEREAS; the Tax Collector is requesting authorization to make the following corrections:

Cancellation of taxes due to erroneous assessments for block 1092 lot 7 for the 3rd and 4th quarter taxes for 2015 in the amount of \$1,091.93 and a refund 2015 1st and 2nd quarters in the amount of \$1,066.26.

Cancellation of taxes due to erroneous assessments for block 1092 lot 13 for 2015 billing in the amount of \$7,462.90 and for 2016 in the amount of \$3,731.45.

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 at the request of the Tax Collector is hereby authorized.

ADOPTED: February 16, 2016

Resolution Number 43-2016: *A Resolution to Cancel/Void the Redemption Request As per Resolution Number 188-2015 and Authorize the February 16, 2016 Redemption in the Amount of \$1,218.53 Plus a \$100 Premium*

City of Lambertville

RESOLUTION NUMBER 43-2016

A Resolution to Cancel/Void Resolution Number 188-2015, And Authorize the Redemption for Block 1059, Lot 16.02 In the Amount of \$1,218.53 Plus a \$100 Premium

WHEREAS; the Tax Collector is requesting authorization to make the following corrections:

Cancellation of Resolution Number 188-2015 Authorizing the Tax Redemption of Tax Lien Certificate 14-00013 issued on block 1059, lot 16.02 to Stuart Lasher in the amount of \$1,103.39 plus a premium of \$100;

Authorizing the Redemption of Tax Lien 14-00013 to Stuart Lasher, PO Box 83, Milltown, NJ, 08855 dated 11-25-2014 in the amount of \$1,218.53 plus a \$100 premium.

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 at the request of the Tax Collector is hereby authorized.

ADOPTED: February 16, 2016

Resolution Number 44-2016: *A Resolution to Authorize the City Clerk to Submit the Raffle Application Filed by RAS St. John's for a June 5, 2016 Raffle of Gift Cards (Shop Rite, Home Depot, and Sunoco) to Benefit the Alter Rosary Society*

City of Lambertville

RESOLUTION NUMBER 44-2016

A Resolution to Authorize the City Clerk to Submit the Raffle Application Filed by RAS St. John's for a June 5, 2016 Raffle of Gift Cards (Shop Rite, Home Depot, and Sunoco) to Benefit the Altar Rosary Society

WHEREAS; the City Clerk received an application filed by RAS St. John's on February 1, 2016; and

WHEREAS; the Police Department reviewed the application and found no issues;

WHEREAS; the City Clerk has completed the Determination Statement and RAS St. John's is qualified.

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 City Clerk is hereby authorized to

submit the raffle application filed by RAS St. John's to the State of New Jersey Legalized Games of Chance Control Commission.

ADOPTED: February 16, 2016

Resolution Number 45-2016: A Resolution to Authorize the Mayor, City Attorney and City Clerk to file the Discharge of Mortgage for John Treichler, Jr. of 154 Main Street in the Amount of \$500

City of Lambertville

RESOLUTION NUMBER 45-2016

A Resolution to Authorize the Mayor, City Attorney and City Clerk to file the Discharge of Mortgage for John Treichler, Jr. of 154 Main Street in the Amount of \$500

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 hereby authorized to sign the discharge of mortgage papers for John Treichler, Jr. of 154 Main Street in the amount of \$500 which was paid by the title company.

ADOPTED: February 16, 2016

Resolution Number 46-2016: A Resolution Authorizing the Increase in Green Acres Funding for the McCann Tract Acquisition in the Amount of \$235,000 in loans, and \$235,000 in Grant Funds

City of Lambertville

RESOLUTION NUMBER 46-2016

A Resolution to Authorize the Increase in Green Acres Funding for the McCann Tract Acquisition in the Amount of 235,000 in Loans and \$235,000 in Grant Funds.

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Lambertville has previously obtained a loan of \$220,000 and a grant of \$220,000 from the State to fund the following project:

1017-10-048

McCann Tract Acquisition

WHEREAS, the State and the City of Lambertville intend to increase Green Acres funding by a total of \$470,000 consisting of a loan of \$235,000 and a grant of \$235,000; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named 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:

1. The Mayor of the City of Lambertville is hereby authorized to execute an agreement and any amendment thereto with the State known as McCann Tract Acquisition, and
2. The applicant has its matching share of the project, which is being provided by a Green Acres loan.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state and loan laws, rules and regulations in its performance of the project.
5. This resolution shall take effect immediately.

ADOPTED: February 16, 2016

Resolution Number 47-2016: A Resolution to Reject the Bids Received for Phone Services as the Bid Is in Excess of the Funds Budgeted

City of Lambertville

RESOLUTION NUMBER 47-2016

A Resolution to Reject the Bids Received for Phone Services as the Bid Is In Excess of the Funds Budgeted

WHEREAS, the City of Lambertville advertised for bids for phone services in the legal section of the December 3, 2015 edition of the Times; and

WHEREAS, on Thursday, December 30, 2015, the City received one bid proposal from Line Systems (the current provider); and

WHEREAS, a comparison of the bid document to the highest month of 2015 (September) reflected an increase in \$450 per month, or an additional \$5,400 per year in phone expenses.

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 proposal filed by Line Systems is hereby rejected.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to rebid the project.

ADOPTED: February 16, 2016

Resolution Number 48-2016: A Resolution to Reject the Bids Received for Technology Services As the Bid is In Excess of the Funds Budgeted

City of Lambertville

RESOLUTION NUMBER 48-2016

A Resolution to Reject the Bids Received for Technology Services as the Bid Is In Excess of the Funds Budgeted

WHEREAS, the City of Lambertville advertised for bids for technology services in the legal section of the January 14, 2016 edition of the Times; and

WHEREAS, on Thursday, February 4, 2016, the City received one bid proposal from AAEC from Pennington, New Jersey in the amount of \$23,940; and

WHEREAS, the funds budgeted in 2015 were in the amount of \$5,400; and

WHEREAS, the service provider of 2015 is no longer able to continue to serve the City.

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 proposal filed by AAEC is hereby rejected.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to negotiate for services with qualified vendors.

ADOPTED: February 16, 2016

Resolution Number 49-2016: A Resolution to Reject the Bid Received for Video Taping of Council Meetings Because the City Has Changed the Direction of the Project

City of Lambertville

RESOLUTION NUMBER 49-2016

A Resolution to Reject the Bids Received for Video Taping of Council Meetings

WHEREAS, the City of Lambertville advertised for bids for videotaping services and/or the purchase of equipment in the legal section of the January 7, 2016 edition of the Times; and WHEREAS, on Thursday, January 28, 2016 the City received one bid proposal from Flanagan Productions with the following options:

Option 1: purchase of audio equipment only: \$5,825

Option 2: purchase of audio equipment and Leightronics Nexus with full install: \$19,775

Option 3: Flanagan Productions would video tape 14 sessions and upload them to YouTube and provide the City with a DVD of each session which would also be linked to the homepage of the City's website: \$10,430.

WHEREAS, the City has funded the project through two sources and they include Ordinance Number 27, 2015 in the total amount of \$40,000 less bonding fees and included in that is a grant from Comcast in the amount of 22,500; and

WHEREAS, the City would like to pursue the purchase of the equipment to film all sessions and utilize services of a local volunteer or from the South Hunterdon Regional School District.

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 proposal filed by Flanagan Productions is hereby rejected because the City would like to go in a different direction than proposed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to rebid the project.

ADOPTED: February 16, 2016

Resolution Number 50-2016: A Resolution to Amend the Resolution Authorizing Signatures on City Bank Accounts for the Bureau of Fire Safety Account, Adding Frank D'Amore, Fire Prevention Official

RESOLUTION NUMBER 50-2016

"A Resolution to Amend the Resolution Authorizing Signatures on City Bank Accounts for the Bureau of Fire Safety Account"

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey, that through 2016 checks drawn or withdrawals from these accounts be signed as follows:

Bureau of Fire Safety Account:

Frank D'Amore, Fire Prevention Official, or Cynthia Ege, City Clerk

ADOPTED: February 16, 2016

Resolution Number 51-2016: A Resolution Authorizing the Mayor, Police Director and City Clerk to sign the One Day Social Affairs Permit Application filed by the Greater Lambertville-New Hope Chamber of Commerce for the April 30, 2016 Event at Rago's Auction House, located at 333 North Main Street in the City

RESOLUTION NUMBER 51-2016

A Resolution Authorizing the One Day Social Affairs Permit Application filed by the Greater Lambertville-New Hope Chamber of Commerce for the April 30, 2016 Event at Rago's Auction House, located at 333 North Main Street in the City.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey, that One Day Social Affairs Permit Application filed online with the State of New Jersey ABC by the Greater Lambertville-New Hope Chamber of Commerce for the April 30, 2016 event at Rago Auction House located at 333 North Main Street in the City is hereby authorized. The event will begin at 6 pm and end at 10 pm.

ADOPTED: February 16, 2016

Mayor DelVecchio asked for a motion to adopt the resolutions listed on the consent agenda. Council President Stegman made a motion to adopt the resolutions as listed on the consent agenda. Councilwoman Asaro 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 City was informed that we are the recipient of additional grant and loan funds for the purchase of the McCann property. The final cost of the purchase is \$340,000.

APPROVAL OF THE BILLS LIST.

Mayor DelVecchio asked for a motion to approve the bills listed on the Bills Lists. Council President Stegman made the motion. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – INTRODUCTION AND FIRST READING.

Ordinance Number 10-2016: A Bond Ordinance to Fund the Upgrades Required for Public Works Equipment and to Purchase New Dump Truck, Snow Plow, Spreader and Radio Equipment In An Amount Not to Exceed \$156,000

Mayor DelVecchio read the ordinance into the record by title. He informed the members of Council and the public that this ordinance is a bond ordinance and will fund the purchase of a new dump truck, snow plow, spreader and radio equipment in the amount of \$126,000. It will also allow the City to fund approximately \$30,000 in upgrades to equipment for Public Works that may include leaf springs, a new body or other items that have a 10 year life.

CITY OF LAMBERTVILLE, NEW JERSEY

ORDINANCE NO. 10-2016

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR ACQUISITION, REFURBISHING AND REPAIR OF HEAVY EQUIPMENT AND VEHICLES IN AND FOR THE CITY, APPROPRIATING \$156,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$148,200 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 \$156,000, including the sum of \$7,800 as the down payment 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 \$148,200, 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 the acquisition, refurbishment and repair of heavy equipment, including acquisition of a dump truck (39,000 GVW or equivalent) and refurbishment and repairs to heavy equipment and vehicles to extend useful life for additional 5+ years, 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 \$148,200 authorized herein.

(c) The estimated cost of the improvements or purposes authorized herein is \$156,000.

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 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 \$148,200, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$15,000 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 DelVecchio asked for a motion to introduce Ordinance Number 10-2016. Councilwoman Warner made the motion. Councilwoman Asaro 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 public that the public hearing will be held on Tuesday March 15, 2016.

Ordinance Number 11-2016 and 12-2016: An Ordinance to Create A Unified Electronic Reporting System for Dealers in Scrap Metal and Precious Metals and Secondhand Goods.

Mayor DelVecchio read the ordinances into the record by title. He informed the members of the public present that both Ordinance Number 11-2016 and 12-2016 were recommended by the Hunterdon County Prosecutor's Office to the City's Police Director. This will give the police

authorization to audit and review the books of dealers of scrap metal, precious metals and secondhand goods.

Ordinance Number 11-2016: An Ordinance to Create A Unified Electronic Reporting System for Dealers in Scrap Metal.

City of Lambertville
ORDINANCE NUMBER 11-2016

An Ordinance to Create A Unified Electronic Reporting System for Dealers in Scrap Metal

§ Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering scrap metal by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of scrap metal without complying with the requirements of this chapter in the exact manner described within.

§ Definitions

“ACCEPTABLE IDENTIFICATION” which means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US State, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates a scrap metal business involving the buying and/or selling of scrap metal as defined herein, including itinerant businesses, and transient buyers as defined herein.

“ITINERANT BUSINESS” means any scrap metal dealer who conducts business intermittently within the municipality or at varying locations. All Itinerant Business owners must also comply with Section 5-5 of the Lambertville City Code, 2014.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which scrap metal is purchased or pawned.

“SCRAP METAL” means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

“SCRAP METAL BUSINESS” means a commercial establishment, which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing including transient buyers of scrap metal and itinerant businesses, as defined herein. All Itinerant Business owners must also comply with Section 5-5 of the Lambertville City Code, 2014.

“SELLER” means a member of the public who sells scrap metal to a dealer.

“TRANSIENT BUYER” means an operator of scrap metal business, as defined herein, who has not been in the scrap metal business continuously for at least six (6) months at any address in the municipality where the dealer is required to register who intends to close out or discontinue the scrap metal business within six (6) months.

§ License Requirement for Dealers

No person, partnership, Limited Liability Company, corporation, or other entity shall engage in a scrap metal business, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly person’s offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign regarding the purchase of scrap metal at any location within the municipality shall constitute engaging in business as a dealer of scrap metal within the jurisdiction of the municipality for the purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such item(s) without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of the chapter and shall be subject to the penalties established in § 9.

§ Application process for Dealers; Approval or Denial

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Police Director, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
 - 1) The experience of the applicant in the business of purchase and sale of scrap metal, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly person’s offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Police Director may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.

- 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of scrap metal, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where scrap metal goods purchased will be retained during the mandatory inspection period required un § 6(A). All Itinerant Business owners must also comply with Section 5-5 of the Lambertville City Code, 2014.
- B) The Police Director shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Police Director within that period, the Police Director may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Police Director shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Police Director to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to scrap metal business. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation of an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Police Director, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Police Director, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a scrap metal business.
- F) No license shall be assignable by the dealer.

§ 5 Identification of Seller; Recordkeeping Requirements for the Dealer

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each member of the public selling scrap metal acceptable identification as defined above in § 2.
- B) Require each seller to execute a “Declaration of Ownership,” which shall contain the following certification: “My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct.
- C) Record and issue to each person selling scrap metal on a sequentially numbered receipt:
 - 1) The name, address and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - 2) The name, address, date of birth and telephone number of the seller or sellers;
 - 3) A photographed recording of the seller in a format acceptable to the Police Director, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - 4) A photographed recording of the seller’s presented acceptable identification, as set forth in § 2, in a format acceptable to the Police Director;
 - 5) A photographed recording for all items sold in a format acceptable to the Police Director;
 - 6) The receipt number;
 - 7) A full description of the item(s) purchased, including but not limited to the manufacturer, type, amount, form, model, any identifying marks, numbers, dates, sizes, shapes, initials, monograms, and serial numbers;
 - 8) The price paid for the item(s);
 - 9) The make, model and license plate of the motor vehicle delivering the scrap metal;
 - 10) The time and date of the transaction.
- D) The information outlined in subsection (C) above must additionally be documented through the use of an electronic database software system authorized by the Police Director. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Police Director, every dealer shall enter all reportable transactions into the electronic database by the end of close of business on the same date as the purchase. The information entered must contain all pertinent information outlined in subsection (c) above.
- E) In the event of a database failure, or dealer’s computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Police Director within twenty-four hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (c) above into the database as soon as possible upon the dealer’s equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer’s license as described in § 6.

- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of scrap metal as well as the articles purchased and, where necessary, relinquish custody of those articles as provided in §6. Itinerant businesses and transient buyers will be responsible for notifying the Police Director of the address where records and articles will be stored.
- G) For all reportable transactions between a dealer and a member of the public, the dealer may only accept delivery of scrap metal for purchase by motor vehicle and the license plate of the motor vehicle must be recorded as provided in subsection (C) above.
- H) No scrap metal business shall, except as provided in subsection (I) below, purchase:
 - 1) Any metal marked with identification of a telephone, cable, electric, water, other public utility, or government entity;
 - 2) Any utility access or water meter cover;
 - 3) Any street light pole or fixture;
 - 4) Any road or bridge guard rail;
 - 5) An highway or street sign, traffic directional or control sign, or light signal;
 - 6) Any metal beer keg that is clearly marked as being the property of the beer manufacturer;
 - 7) Any historical marker, grave marker, or burial vase;
 - 8) Any central air conditional evaporator coils or condensers or catalytic converters that are not attached to a vehicle; or
 - 9) Any metal bleachers or benches.
- I) The provisions of subsection (H) shall not apply to purchases of scrap metal from entities who manage such metal in the ordinary course of business. These entities include manufacturing, industrial, government, contractor, individual, or other commercial vendors or scrap metal businesses that generate or purchase or process scrap metal in the ordinary course of business.

§ 6 Retention; Suspension and Revocation; Other Restrictions

- A) All scrap metal purchased by a dealer in a reportable transaction are to be made available for inspection by the Police Director or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date of the transaction information is actually reported to the Police Director in the approved manner described above in § 5. All scrap metal subject to inspection must remain in the same condition as when purchased and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Police Director of the location where the purchased scrap metal is being held.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:2-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

- C) It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in the market movement in response to economic news or other events.
- D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of scrap metal in the manner prescribed in § 5(c).
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Police Director or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Police Director or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.
 - 1) Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - 2) Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Police Director or a designee hereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for suspension and notify the dealer of his or her right to appeal, pursuant to subsection (H). A temporary suspension shall be issued immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease all purchasing and/or selling of scrap metal in the municipality until reinstatement.
 - 3) Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Police Director or designee, been cured, corrected or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Police Director, upon the timely filing of an appeal as provided in subsection (H).
- G) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Police Director or designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.
 - 1) Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any regulations or local ordinances within this or any jurisdiction.
 - 2) Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Police Director or designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the

charge. A three-person panel, appointed by the Police Director, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of suspension, revocation or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating a scrap metal business within the municipality.

- H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Police Director, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notified the Municipal Clerk, in writing, of the street address of said new **location.**

§ 7 Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the party (City of Lambertville), be and remain for the benefit of any person who shall obtain a judgment against obligor and a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 8 Fees; period of license validity

A nonrefundable fee for the initial application and license for an operator of scrap metal business, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer will be required to pay in relation to the mandatory electronic database system designated by the Police Director, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§ 9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of

imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 10 Time limit for conformance; repealer; severability

- A) Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the scrap metal business shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing scrap metal business, as in N.J.S.A. 45:28-1 et seq. or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

-INTRODUCED FOR FIRST READING: February 16, 2016

PUBLIC HEARING AND SECOND READING: March 15, 2016

Ordinance Number 12-2016: An Ordinance to Create A Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods

City of Lambertville

ORDINANCE NUMBER 12-2016

An Ordinance to Create A Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods

§ Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals and other secondhand goods without complying with the requirements of this chapter in the exact manner described within.

§ Definitions

“ACCEPTABLE IDENTIFICATION” which means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US State, a valid United States Passport, or other verifiable US Government issued identification, which will be

recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations. All Itinerant Business owners must also comply with Section 5-5 of the Lambertville City Code, 2014.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals and other secondhand goods is purchased or pawned.

“SECONDHAND GOODS” means used goods such as antiques, gold silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVs, CSs and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residents or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metals and other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) at any address in the municipality where the dealer is required to register who intends to close out or discontinue all retail business within six (6) months.

§ License Requirement for Dealers

No person, partnership, Limited Liability Company, corporation, or other entity shall engage in of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly person’s offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for the purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such item(s) without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of the chapter and shall be subject to the penalties established in § 9.

§ Application process for Dealers; Approval or Denial

- G) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Police Director, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
 - 5) The experience of the applicant in the business of purchase and sale of precious metals and other secondhand goods, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 6) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 7) Any criminal record of the applicant including any past convictions for any crime(s), disorderly person’s offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Police Director may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 8) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metals and other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely

on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where precious metals and other secondhand goods purchased will be retained during the mandatory inspection period required un § 6(A). All Itinerant Business owners must also comply with Section 5-5 of the Lambertville City Code, 2014.

- H) The Police Director shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Police Director within that period, the Police Director may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- I) The Police Director shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Police Director to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- J) Grounds for recommending denial of license may include reliable information indicating the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to precious metals and other secondhand goods business. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation of an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Police Director, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.
- K) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Police Director, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- L) No license shall be assignable by the dealer.

§ 5 Identification of Seller; Recordkeeping Requirements for the Dealer

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- J) Require of each member of the public selling precious metals and other secondhand goods acceptable identification as defined above in § 2.

- K) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- L) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - 11) The name, address and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - 12) The name, address, date of birth and telephone number of the seller or sellers;
 - 13) A photographed recording of the seller in a format acceptable to the Police Director, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - 14) A photographed recording of the seller's presented acceptable identification, as set forth in § 2, in a format acceptable to the Police Director;
 - 15) A photographed recording for all items sold in a format acceptable to the Police Director;
 - 16) The receipt number;
 - 17) A full description of the item(s) purchased, including but not limited to the manufacturer, type, amount, form, model, any identifying marks, numbers, dates, sizes, shapes, initials, monograms, and serial numbers;
 - 18) The price paid for the item(s);
 - 19) The make, model and license plate of the motor vehicle delivering the precious metals and other secondhand goods;
 - 20) The time and date of the transaction.
- M) The information outlined in subsection (C) above must additionally be documented through the use of an electronic database software system authorized by the Police Director. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Police Director, every dealer shall enter all reportable transactions into the electronic database by the end of close of business on the same date as the purchase. The information entered must contain all pertinent information outlined in subsection (c) above.
- N) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Police Director within twenty-four hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (c) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.
- O) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals and other secondhand goods as well as the

articles purchased and, where necessary, relinquish custody of those articles as provided in §6. Itinerant businesses and transient buyers will be responsible for notifying the Police Director of the address where records and articles will be stored.

§ 6 Retention; Suspension and Revocation; Other Restrictions

- J) All precious metals and other secondhand goods purchased by a dealer in a reportable transaction are to be made available for inspection by the Police Director or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date of the transaction information is actually reported to the Police Director in the approved manner described above in § 5 except for jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metals and other secondhand goods subject to inspection must remain in the same condition as when purchased and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Police Director of the location where the purchased precious metals and other secondhand goods is being held.
- K) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:2-4 on behalf of the dealer, who shall be considered the “victim” of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- L) It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in the market movement in response to economic news or other events.
- M) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the manner prescribed in § 5(c).
- N) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Police Director or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- O) Suspension. The Police Director or a designee thereof is hereby empowered to temporarily suspend for cause any dealer’s license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.

- 1) Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - 2) Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Police Director or a designee hereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for suspension and notify the dealer of his or her right to appeal, pursuant to subsection (H). A temporary suspension shall be issued immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease all purchasing and/or selling of precious metals and other secondhand goods in the municipality until reinstatement.
 - 3) Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Police Director or designee, been cured, corrected or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Police Director, upon the timely filing of an appeal as provided in subsection (H).
- P) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Police Director or designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.
- 1) Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any regulations or local ordinances within this or any jurisdiction.
 - 2) Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Police Director or designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Police Director, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating a precious metals and other secondhand goods business within the municipality.
- Q) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Police Director, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.

- R) A dealer shall have the right to change the location of the licensed business, provided that he or she notified the Municipal Clerk, in writing, of the street address of said new location.

§ 7 Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the party (City of Lambertville), be and remain for the benefit of any person who shall obtain a judgment against obligor and a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 8 Fees; period of license validity

A nonrefundable fee for the initial application and license for an operator of precious metals and other secondhand goods business, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer will be required to pay in relation to the mandatory electronic database system designated by the Police Director, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§ 9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 10 Time limit for conformance; repealer; severability

- E) Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the precious metals and other secondhand goods business shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- F) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

- G) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing precious metals and other secondhand goods business, as in N.J.S.A. 45:28-1 et seq. or any other statutory provision regarding any subject matter discussed herein.
- H) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

-INTRODUCED FOR FIRST READING: February 16, 2016

PUBLIC HEARING AND SECOND READING: March 15, 2016

Mayor DelVecchio asked for questions or comments. Councilman Sanders asked if other Counties were adopting such ordinances. The Police Director responded by saying that 50 or so other municipalities have adopted ordinances. Council President Stegman asked if this was a mandate. The Police Director responded that it was not a mandate. Mayor DelVecchio commented that he spoke with representatives of the Chamber of Commerce and they were fine with it. Councilman Sanders referenced the theft of copper piping a few years ago and the Police Director stated that this would allow the Police Department to track purchases.

Mayor DelVecchio asked for a motion to introduce Ordinance Numbers 11-2016 and 12-2016. Councilwoman Warner made the motion. 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 informed the members of the public present that the public hearing is scheduled for March 15, 2106.

Ordinance Number 13-2016: A CAP Bank Ordinance.

Mayor DelVecchio informed the members of the public present that the CAP Bank Ordinance permits the City to reserve the funds not expended in the 2016 budget for use in the next two budgets. The City has a 2% CAP but has not used the full amount allowed by N.J.S.A. 40A:4-45.1 et seq. in the 2016 budget.

City of Lambertville

ORDINANCE NUMBER 13-2016

CALENDAR YEAR 2016

ORDINANCE TO ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 0.00% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the City Council of the City of Lambertville City, County of Hunterdon, hereby determines that this difference in the amount of \$122,411.84 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING AND INTRODUCTION: February 16, 2016

SECOND READING AND PUBLIC HEARING: March 22, 2016

Mayor DelVecchio asked for a motion to introduce the CAP Bank Ordinance. Councilwoman Warner made a motion to introduce the CAP Bank Ordinance. Councilwoman Asaro 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 will be held the same day as the public hearing on the 2016 budget, which will be March 22, 2016.

ORDINANCES – SECOND READING AND FINAL ADOPTION.

Ordinance Number 03-2016 and 04-2016: Ordinances to Install a Handicapped Parking Spaces: 196 George Street on the West Side as Requested by William Paquin and 274 North Union Street as Requested by Lawrence Scheetz

Mayor DelVecchio read the ordinance by title into the record. He informed the members of the public present that these ordinances will create a handicapped parking space in front of 196 George Street and 274 North Union Street.

City of Lambertville

ORDINANCE NUMBER 03-2016

An Ordinance to Amend the General Ordinances of the City of Lambertville, Chapter 7, Traffic, Section 7-4.7 Parking Restricted for Use by Handicapped Persons, Adding a Space in Front of 196 George Street

This ordinance amends the General Ordinances of the City of Lambertville, Chapter 7, Section 7-4.7, Parking Restricted by Use by Handicapped Persons, and adds a handicapped parking space at 196 George Street at a place to be determined by the Police Director and Public Works Director.

This ordinance will remain in effect until removed as authorized by the General Ordinances of the City of Lambertville, by the Mayor.

INTRODUCED FOR FIRST READING: January 19, 2016

PUBLIC HEARING HELD AT SECOND READING: February 16, 2016

City of Lambertville

ORDINANCE NUMBER 04-2016

An Ordinance to Amend the General Ordinances of the City of Lambertville, Chapter 7, Traffic, Section 7-4.7 Parking Restricted for Use by Handicapped Persons, Adding a Space in Front of 274 North Union

This ordinance amends the General Ordinances of the City of Lambertville, Chapter 7, Section 7-4.7, Parking Restricted by Use by Handicapped Persons, and adds a handicapped parking space at 274 North Union Street at a place to be determined by the Police Director and Public Works Director.

This ordinance will remain in effect until removed as authorized by the General Ordinances of the City of Lambertville, by the Mayor.

INTRODUCED FOR FIRST READING: January 19, 2016

PUBLIC HEARING HELD AT SECOND READING: February 16, 2016

Mayor DelVecchio opened the public hearing on Ordinance Number 04-2016. He asked the Police Director and Public Works Director if they reviewed this request and asked for public comments. There were no comments from the public.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Numbers 03-2016 and 04-2016 creating two handicapped parking spaces. Council President Stegman made the motion to close the public hearing. 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 for a motion to adopt on second reading granting final approval of Ordinance Numbers 03-2016 and 04-2016. Councilwoman Warner made the motion to adopt on second reading, granting final approval of Ordinance Numbers 03-2016 and 04-2016. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Ordinance Numbers 05-2016 and 06-2016:

Mayor DelVecchio read both ordinances into the record by title. He informed the members of the public present that Ordinance Number 05-2016 will increase street opening permits to \$50 per application and 06-2016 will increase fees for applications to the Historic Preservation Board.

Ordinance Number 05-2016: *An Ordinance to Amend Section the Revised General Ordinances of the City of Lambertville, Chapter 14: Streets and Sidewalks, Increasing the Fee for Street Opening Permits to \$50.00 Per Application*

City of Lambertville

ORDINANCE NUMBER 05-2016

“AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, CHAPTER 14: STREETS AND SIDEWALKS”

WHEREAS, the fees charged for street opening permits was last amended in December of 2007.

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the City of Lambertville, 1990, Chapter XIV: Streets and Sidewalks be amended as follows:

SECTION 1: Section 14-1.3 Fees is amended as follows:

a. The application shall be accompanied by a fee of fifty (\$50) dollars.

Introduced: January 19, 2016
Adopted: February 16, 2016

Ordinance Number 06-2016: An Ordinance to Amend the Zoning Ordinances of the City of Lambertville, Section 600, Application Fees for Historic Preservation to \$50.00 Per Application

City of Lambertville

ORDINANCE NUMBER 06-2016

An Ordinance to Amend the Zoning Ordinance of the City of Lambertville, 600, Historic Preservation Application Fees, To Include a Fee of \$50 for the Filing of Applications with the Historic Preservation Commission

WHEREAS, the City of Lambertville adopted Ordinance Number 2002-12, 2002-13 and 2002-14 creating the Historic Preservation Commission to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and nature and extent of their use, and the nature and extent of the use of the land in the City of Lambertville, in the County of Hunterdon, and providing for the administration and enforcement of the provisions herein contained and fixing penalties for the violations thereof; and

WHEREAS, the Historic Preservation Commission has adopted an application process for demolitions, sign reviews for the commercial areas designated on the Zoning Map adopted by Ordinance Number 12-2015 on June 16, 2015 titled Lambertville Zoning Map, and

WHEREAS, this Ordinance is to amend Section 600 of the Zoning Ordinances of the City of Lambertville to establish the application fee to the Historic Preservation Commission in the amount of \$50 per application.

FIRST READING AND INTRODUCTION: January 19, 2016

SECOND READING AND PUBLIC HEARING: February 16, 2016

Mayor DelVecchio opened the public hearing for Ordinance Numbers 05-2016 and 06-2016. He asked for public comment. The public did not comment or question the ordinances as presented.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Numbers 05-2016 and 06-2016. Council President Stegman made the motion to close the public hearing.

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 for a motion to adopt Ordinance Numbers 05-2016 and 06-2016 on second reading, granting final approval. Council President Stegman made the motion to adopt on second reading and grant final approval of Ordinance Numbers 05-2016 and 06-2016.

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 07-2016: An Ordinance to Amend Chapter Ten, Fees for Construction Permits

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this Ordinance was recommended by the Construction Official and was last amended in 2013.

City of Lambertville

ORDINANCE NUMBER 07-2016

An Ordinance to Amend Chapter Ten, Fees for Construction Permits

10-1.3 Fees for a Construction Permit.

Fees. The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in paragraphs 1(a) through 6(d) hereof and shall be paid prior to the issuance of a permit. Twenty (20%) percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is non-refundable.

1. Building Subcode Fees.

- a. Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of ~~\$-.050~~ **(\$0.060)** per cubic foot, except that agricultural structures on farms shall be in the amount of \$0.010.
- b. Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on site work for pre-manufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. The City reserves the right to require a copy of actual contracts or current market price evaluation based on common estimating practices; or an architect or engineer's cost estimate; or actual third party estimates. The cost shall include all labor and material (including bartered, donated, free, etc. labor and/or materials)
- c. This fee shall be as follows:
 - i. ~~\$32.00~~ **(\$34.00)** per \$1,000.00 of estimated cost of work up to \$50,000.00 of estimated cost of construction;
 - ii. ~~\$28.00~~ **(\$30.00)** per \$1,000.00 for estimated cost of work from \$50,001.00 to \$100,000.00 estimated cost of construction; and
 - iii. ~~\$24.00~~ **(\$26.00)** per \$1,000.00 for additional costs over \$100,000.00 estimated cost of construction.
- d. The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be .020 per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$75.00.

- e. Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
- f. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with paragraphs (a) and (b) above.
- g. The fee for construction or installation of a single family residential in-ground swimming pool shall be ~~\$150.00~~ **(\$200.00)**. The fee for construction or installation of all other use group in-ground swimming pools shall be ~~\$200.00~~ **(\$250.00)** The fee for aboveground pools shall be ~~\$40.00~~ **(\$60.00)**
- h. The fee for construction or installation of retaining walls shall be as follows:
 - i. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be ~~\$100.00~~ **(\$120.00)**
 - j. The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be ~~\$200.00~~ **(\$250.00)**
 - k. The fee for all other retaining walls shall be based on the cost of work as follows:
 - i. \$18.00 per \$1,000.00 of estimated cost of work up to \$50,000.00,
 - ii. \$14.00 per \$1,000.00 of estimated cost of work from \$50,001.00 to \$100,000.00,
 - iii. \$10.00 per \$1,000.00 of estimated cost of work over \$100,000.00,
- l. ~~The fee for the construction of a new deck shall be \$0.80 per square foot with the minimum fee of \$120.00.~~ **(In use groups R-3, 4 or 5 single family detached dwellings the fee for the construction and/or renovation of a deck up to 150 sq. ft. shall be \$132.00, 151 sq. ft. to 250 sq. ft. shall be \$210.00 and over 250 sq. ft. shall be \$300.00. All other use groups shall be based on the cost of the work).**
- m. The installation of sheds under 200 square feet shall be \$100.00. The installation of sheds over 200 square feet shall be a minimum of \$150.00
- n. The fee for a residential roof or siding replacement shall be \$85.00 and for commercial roof or siding replacement shall be based on the cost of work.
- o. The fee for a demolition and/or removal permit of a building or structure shall be ~~\$95.00~~ **(\$110.00)** for Class 3 residential and ~~\$180.00~~ **(\$225.00)** for all other use groups, provided that the fee shall be \$50.00 for structures under 400 square feet in area.
- p. The fee for removal or abandonment of underground storage tanks shall be ~~\$85.00~~ **(\$100.00)** each for tanks up to 1,000 gallons and ~~\$150.00~~ **(\$175.00)** each for tanks over 1,001 gallons.
- q. The fee to construct or erect a sign shall be \$2.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$50.00.
- r. The minimum fee for the building technical section shall be ~~\$60.00~~ **(\$65.00)**

2. *Plumbing Subcode Fees.*

- a. The fee shall be in the amount of ~~\$22.00~~ **(\$24.00)** per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, condensate pump, etc., except as listed below in 2(b) and (c).
- b. The fee for domestic hot water heater replacement fee shall be \$75.00.
- c. The fee for special devices shall be ~~\$90.00~~ **(\$95.00)** for the following: grease traps, oil separators, water-cooled air-conditioning units, air-conditioning compressors, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps.
- d. For equipment listed in NJAC 5:23-2.23(l) such as backflow preventers, high pressure boilers, refrigeration systems, etc. the fee shall be \$85.00 for the first device and \$25.00 for additional similar devices in the same building.
- e. The minimum fee for the plumbing technical section shall be ~~\$60.00~~ **(\$65.00)**

3. *Electrical Subcode Fees.*

- a. For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of \$65.00; for each additional device, receptacle or fixture in addition to this, the fee shall be in the amount of \$1.00 per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than 8 foot in height, communication points, alarm devices, and other panels or devices rated less than 20 amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt.
- b. For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be ~~\$25.00.~~**(\$30.00)**
- c. For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be ~~\$45.00.~~**(\$55.00)**
- d. For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be ~~\$90.00.~~**(\$110)**
- e. For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be ~~\$150.00.~~**(\$170.00)**
- f. For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 100 kilowatts or kva, the fee shall be ~~\$600.00.~~**(\$700.00)**
- g. Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.
- h. For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated up to 100 amps the fee shall be ~~\$65.00.~~**(\$75.00)**
- i. For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be ~~\$130.00.~~**(\$150.00)**
- j. For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be ~~\$290.00.~~**(\$320.00)**
- k. For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be ~~\$600.00.~~**(\$700.00)**
- l. For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in 1 and 2 family dwellings; utility load management devices; lighting standards over 8 foot the fee shall be ~~\$50.00.~~**(\$60.00)**
- m. For in-ground pools the fee shall be \$200.00.
- n. For spas, hot tubs, or fountains the fee shall be \$100.00.
- o. For storable or portable pools the fee shall be \$50.00.
- p. For a swimming pool bonding certificate of compliance the fee shall be \$85.00
- q. Transformers and generators less than or equal to 20kw shall be \$75.00. Transformers and generators greater than 20kw and less than or equal to 50kw shall be \$125. Generator panels shall follow (h) thru (k) above.
- r. The minimum fee for the electrical technical section shall be ~~\$60.00.~~**(\$65.00)**

4. *Fire Subcode Fee.*

- a. The fee for sprinkler systems shall be ~~\$85.00~~ **(\$95.00)** for up to 12 heads;
- b. For 13 to and including 40 heads the fee shall be ~~\$150.00;~~**(\$170.00)**
- c. For 41 to and including 100 heads the fee shall be ~~\$250.00~~**(\$280.00)**; and
- d. For all heads over 100 the fee shall be \$2.00 per head.
- e. The fee for each standpipe shall be \$325.00.
- f. The fee for each independent pre-engineered suppression system shall be ~~\$175.00.~~**(\$195.00)**
- g. The fee for each gas or oil-fired appliance shall be \$60.00
- h. The fee for each kitchen exhaust system shall be \$190.00.
- i. The fee for spray booths exhaust system shall be ~~\$150.00.~~**(\$250.00)**
- j. The fee for a wood/coal burning stove, fire place inserts, pre-fab or masonry fireplace shall be ~~\$60.00.~~**(\$65.00)**
- k. The fee for Dry pipe, Pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be \$95.00 for up to 12 alarms, except that hard wired and interconnected alarms for 1 and 2 family residential the fee shall be ~~\$60~~ **(\$65.00)** for up to 12 alarms;
- l. Each device over 12 shall be \$7.00 each
- m. The fee for R3, R4 and R5 fire alarm systems shall be \$75.00.
- n. The fee for fire pumps shall be ~~\$300.00~~**(\$375.00)** each.
- o. The fee for incinerators shall be ~~\$300.00~~ **(\$375.00)** each.
- p. The fee for crematoriums shall be ~~\$300.00~~ **(\$375.00)** each.
- q. The fee for unit heaters shall be \$25.00 each.
- r. The fee for exit-egress lighting shall be \$5.00 each.
- s. The fee for chimney relining shall be \$65.00.
- t. The fee for the installation of **any underground fuel storage tank up to 550 gallons shall be \$100.00. Or The fee for the** above ground fuel storage tanks up to 550 gallons shall be \$60.00. For tanks 551 to 1,000 gallons shall be ~~\$125.00.~~ **(\$150.00)** For tanks over 1,001 gallons, the fee shall be ~~\$250.00.~~ **(\$300.00)**
- u. The fee for a fire sprinkler water storage tank shall be ~~\$200.00.~~**(\$225.00)**
- v. The minimum fee for the fire technical section for 1 or 2 family residential shall be ~~\$60.00~~ **(\$65.00)** and for all other use groups shall be ~~\$90.00.~~ **(\$100.00)**

5. *Certificates and Other Special Fees.*

- a. The fees for certificates shall be as follows:
- b. Certificate of occupancy, residential (single family) is ~~\$120.00,~~**(\$140.00)** except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is \$35.00.
- c. Certificate of occupancy, other than single family is ~~\$180.00.~~**(\$250.00)**
- d. Certificate of occupancy for changes in use group is ~~\$180.00.~~**(\$250.00)**
- e. Certificate of approval, no fee.
- f. Continued certificate of occupancy is ~~\$180.00~~ **(\$250.00)** per unit or tenant space.
- g. Temporary certificate of occupancy, renewal fee is ~~half of the certificate fee.~~ **(shall be \$30.00)**
- h. Certificate of Compliance, no fee.
- i. The fee for asbestos or lead abatement projects shall be as follows:
- j. The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9
- k. The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at NJAC 5:23-8.9

- l. The fee for a permit for lead hazard abatement projects shall be \$190.00.
 - m. The fee for a lead abatement clearance certificate shall be \$35.00.
 - n. The fee for a variation request application shall be ~~\$75.00~~ **(\$95.00)** for Class 3 residential and; ~~\$200.00~~ **(\$250.00)** for Class 3 other than residential and Class 2 and; ~~\$750.00~~ **(\$850.00)** for Class 1 buildings. The fee for resubmission of an application for a variation shall be one half (1/2) of the original fee if required by the Construction Official.
 - o. The fee for an application for the construction board of appeals shall be as specified by the Hunterdon County Construction Board of Appeals application.
 - p. A fee of \$110.00 per hour may be charged for review of any amendment or change to a plan that has already been released, or any other additional work required by ordinance or interlocal agreement.
 - q. The fee for a zoning permit is ~~\$35.00~~ **(\$50.00)**
 - r. The fee for a Flood Development Permit shall be ~~\$125.00~~ **(\$140.00)** plus any applicable City engineering review costs, if required by the City Engineer.
 - s. The fee to reinstate a lapsed permit shall be fifty (50%) percent of the initial permit fee provided such application is made within one (1) year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be based on the current fee schedule.
 - t. The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing). Fees shall be as follows:
 - i. One (1) through twenty-five (25) workers (including foreman or forewoman), ~~\$1000.00~~ **(\$1,200.00)** per worker;
 - ii. each additional worker over twenty-five (25), ~~\$350.00~~ **(\$400.00)** per worker.
 - u. Prior to the issuance of the annual permit a training registration fee of ~~\$176.00~~ **(\$196.00)** per subcode shall be submitted by the applicant and shall be forwarded by the Construction Official to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.
6. *Exempt Fees.*
- a. No fees shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.
 - b. Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduce fees or be exempt from construction permit fees as authorized by City Counsel on an individual basis, except for the State Training Fee.
 - c. Pursuant to N.J.S.A. 52:27D-126e and N.J.S.A. 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure for any of the facilities contained therein. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For purposes of this subsection, the term "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to Federal Social Security Act (42 U.S.C. §416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. §231, et seq.), or is

rated as having a sixty (60%) percent disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this paragraph, the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/200 or less.

- d. Outside agency fees. Notwithstanding any other fee hereinafter set forth, when the township has retained a private on-site inspection or plan review agency to carry out subcode official responsibility no fee charged shall exceed the amount paid by the Township to that private agency plus thirty (30%) percent.

INTRODUCTION AND FIRST READING: January 19, 2015

PUBLIC HEARING AND SECOND READING: February 16, 2016

Mayor DelVecchio opened the public hearing on Ordinance Number 07-2016 and asked for comments from the public. The public had no comment or questions.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 07-2016. Councilwoman Asaro made a motion to close the public hearing for Ordinance Number 07-2016. 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 for a motion to adopt on second reading, granting final approval of Ordinance Number 07-2016. Council President Stegman made a motion to adopt on second reading, granting final approval of Ordinance Number 07-2016. 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 08-2016: An Ordinance to Amend Chapter 8 of the City of Lambertville City Code, 2014, Section 8-2.4 and 8-25.3 Permit Parking, Raising the Fees to \$55.00 Per Month and Changing the Late Fee to \$10 Per month

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will increase the fees for parking permits in the York Street lot and the South Union Street (Justice Center) lots from \$45 to \$55 per month. It also increases the late fee to \$10.

City of Lambertville

ORDINANCE NUMBER 08-2016

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8: Municipal Parking Areas and Metered Parking, Article I: Parking Lots

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the revised general ordinances of the City of Lambertville, Chapter VIII are hereby amended as follows:

ARTICLE I – PARKING LOTS

SECTION 8-2.4 FEES – YORK STREET LOTS

The fee for a permit shall be fifty-five (\$55.00) dollars per month with a late fee of ten (\$10.00) if not paid by the fifth (5th) of the month. If the fee is not paid by tenth of the month, the permit shall be null and void and available for issuance to another person. A list will be maintained by the City Clerk to be utilized in the event of a vacancy.

SECTION 8-25.3 – SOUTH UNION LOT, PERMIT PARKING.

In addition to the metered parking spaces, there shall be parking spaces created which shall be available at all times by permit. The permits shall be issued by the City Clerk on a first come/first serve basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times. The fee for the permit shall be fifty-five (\$55.00) dollars per month with a late fee of ten (\$10.00) dollars per month if not paid by the fifth (5th) of the month. If not paid by the tenth (10th) of the month, the permit shall be null and void and available for issuance to another person. A list shall be maintained by the City Clerk to be utilized in the event of a vacancy.

Mayor DelVecchio opened the public hearing for Ordinance Number 08-2016 and asked for public comment.

Thomas Eagan of Ferry Street addressed the Mayor and Council members. He informed the members of the public present that he currently rents a parking space from the Phillip L. Pittore Justice Center and in January paid for the parking for the entire year. He asked if he would need to pay the additional \$10 per month or if since it was paid in advance he was grandfathered.

Mayor DelVecchio asked the City Attorney to look into this and get back to the City Clerk.

There being no additional questions or comments, Mayor DelVecchio asked for a motion to close the public hearing for Ordinance Number 08-2016. Councilman Sanders made a motion to close the public hearing for Ordinance Number 08-2016. Councilwoman Asaro 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 Ordinance Number 08-2016. Councilman Sanders made a motion to adopt on second reading, granting final approval for Ordinance Number 08-2016. Councilwoman Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Ordinance Number 09-2016: An Ordinance to Authorize the Acceptance of Credit Cards as A Form of Payment With All Fees Assessed to the User. Rates will be established Annually By Resolution of the Governing Body

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will permit the City to accept credit cards as a form of payment.

City of Lambertville

ORDINANCE NUMBER 09-2016

An Ordinance to Authorize Credit Card Processing Fees to Pay for City Services and Property Taxes And Granting Annual Authorization of Fees Through the Adoption of A Resolution

WHEREAS, the City of Lambertville has accepted by resolution the ability for residents and businesses to pay property taxes and municipal services through credit cards and echecks; and

WHEREAS, the fees associated with these transactions will be paid for by the user and the rates charged will be made known to the user prior to authorizing the transaction.

NOW THEREFORE BE IT ORDAINED by Mayor and Council that the City of Lambertville will offer the convenience of paying for property taxes and city services by credit card and echecks conditioned upon all fees associated with the transaction be paid in full by the user.

BE IT FURTHER ORDAINED that annually or when rates with the vender providing the service change, the Governing Body will adopt the fees by resolution.

INTRODUCED FOR FIRST READING: January 28, 2016

PUBLIC HEARING AND SECOND READING: February 16, 2016

Mayor DelVecchio opened the public hearing on Ordinance Number 09-2016 and asked for public comment. The public had no questions or comments.

Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 09-2016. Council President Stegman made a motion to close the public hearing. Councilwoman Asaro 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 and granting final approval for Ordinance Number 09-2016. Council President Stegman made a motion to adopt on second reading, granting final approval for Ordinance Number 09-2016. Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE.

PSE&G: Freshwater Wetlands Statewide General Permit #1 Application was filed with the City Clerk.

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION Clean Water Financing Program/State Revolving Fund: Proposed amendments to the FFY2016 Priority System, Intended Use Plan, and Project Priority List.

WEST AMWELL TOWNSHIP: Ordinance Number 02-2016, An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – Checklist No. 1, Land Development Application.

JCP&L: In the Matter of the Verified Petition of JCP&L Company Seeking Review and Approval of Its Deferred Balances Relating to and an Adjustment of, the Rider RRC – RGGI Recover Charge of Its Filed Tariff.

THE COMMUNITIY CHURCH, FIRST PRESBYTERIAN CHURCH: 2016 marks the 200th anniversary of the establishment of the Church as a worshipping community in the City of Lambertville. Mayor DelVecchio asked the City Clerk to obtain additional information so that the City could honor the First Presbyterian Church.

ENVIRNMENTAL DECISIONS: Response action outcomes for Heath's Service, Inc., block 1074, lot 1.

HUNTERDON COUNTY DEPARTMENT OF PUBLIC HEALTH SERVICES: Pesticide Control Regulations, N.J.A.C. Title 7 Chapter 30.

DELAWARE TOWNSHIP: Ordinance Number 2015-12LU, An Ordinance of the Township of Delaware, County of Hunterdon, State of NJ, supplementing and amending article XIV of the Land Use Ordinance.

HUNTERDON COUNTY DEPARTMENT OF PLANNING: Letter regarding Citizen Comments in update to Open Space Trust Fund Plan.

AGL RESOURCES INC.: Notice of filing of a joint petition for approval of the merger of the Southern Company and AGL Resources Inc., BPU Docket No. GM15101196.

GREATER LAMBERTVILLE-NEW HOPE CHAMBER OF COMMERCE:

Mayor DelVecchio informed the members of the public present that the Greater New Hope Chamber of Commerce has submitted a letter outlining their request for a Fireworks Display and requested a discussion on their 5K Run planned for Thanksgiving.

Council President Stegman commented that he had questions about the Fireworks Display. Mayor DelVecchio said the Chamber planned the fireworks display around events and he listed the following: Gay Pride Parade, First Fridays and Holiday events. Council President Stegman stated that he wanted to know the schedule, the time for the fireworks and the duration. The Clerk was asked to obtain additional information from the Chamber.

NEW BUSINESS.

Introduction of the 2016 Budget.

Mayor DelVecchio gave an overview of the 2016 budget and noted the following: The average house in 2015 was \$353,681 and in 2016 will be \$363,200. The assessed taxes in 2015 were \$2,261,758 and in 2016 are \$2,262,005 representing a \$247 difference and equates to \$2.61 less in 2016. We will begin the year with \$683,064 in surplus and will use \$390,000 in the budget to pay down debt. State Aid is flat. Salaries will increase by 2% except for new hires and includes increases to health benefits, workers compensation and a new line item for public events in the amount of \$7,500. The Library's annual contribution is set by statute. The budget assumes a reduction in utilities, solid waste operating expenses and includes funding of the snow removal for the January 22 storm. The City is paying more than in prior years on the debt. Mayor DelVecchio asked for questions or comments from the public.

City of Lambertville

Resolution Number 52-2016

A Resolution to Introduce the 2016 Calendar Year Budget

WHEREAS, the City of Lambertville introduced the budget at the regularly scheduled session held Tuesday, February 16, 2016 for the purpose of introducing the 2016 CAP Bank Ordinance and the 2016 Calendar Year Budget, and

WHEREAS, the City Clerk noticed the papers of the special session on Thursday, February 11, 2016 and

WHEREAS, the following is a list of Mayor and Council Members with their respective term expiration dates: David M. DelVecchio – Mayor, Term Ends 12-31-2018, Beth Asaro – Councilwoman, Term Ends 12-31-2017, Wardell Sanders – Councilman, Term Ends 12-31-2016, Steven M. Stegman – Council President, Term Ends 12-31-2016, Elaine Warner – Councilwoman, Term Ends 12-31-2017, and

WHEREAS, Cynthia L. Ege, Certificate Number C-1629 is the Registered Municipal Clerk, Christie Ehret, Certificate Number N-0738 is the Chief Financial Officer of the City of Lambertville, Cynthia McBride is the Certified Tax Collector, Certificate Number T1142, and Robert B. Cagnassola is the Registered Municipal Accountant, Certificate Number 50 and Phillip J. Faherty, III is the Municipal Attorney, and

WHEREAS, the publication of the summary of the 2016 Budget will be placed in the legal section of the February 22, 2016 edition of the Times, and

WHEREAS, the public hearing on the final adoption of the budget will be held on March 22, 2016, and

WHEREAS, copies of this resolution along with three certified copies of the 2016 budget and the required attachments will be forwarded to the Director, Division of Local Government Services on Wednesday, February 17, 2016, and

WHEREAS, a full copy of the introduced budget will be posted to the City's website at www.lambertvillenj.org, a copy will be sent to the Free and Public Library, and a copy will be made available for public inspection at City Hall during the hours from 9 am to 4:30 pm, Monday through Friday, excluding holidays.

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 2016 Calendar Year is hereby introduced with a motion made by Councilman Sanders and seconded by Councilwoman Asaro.

Adopted: February 16-2016

Mayor DelVecchio asked for a motion to introduce the 2016 budget. Councilwoman Asaro made a motion to introduce as submitted the 2016 budget. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for March 22, 2016.

UNFINISHED/OLD BUSINESS.

2016 BUDGET: The Mayor informed the members of the public present that this will be the topic of a public hearing on March 22, 2016.

THIRD CAN/FOOD WASTE RECYCLING: Mayor DelVecchio informed the members of the public present that the City has approximately 35 residents signed up for the program. He asked the Public Works Director for the list of restaurants. Public Works Director Myers stated that he has three restaurants; DeAnna's, Caffe Galleria and City Market. The elementary school is also interested in participation. Mayor DelVecchio informed the members of the public present that DeAnna's has reported that they have decreased their garbage pick-up from six (6) cans of trash to one (1) can of trash since beginning with the Third Can Program. Mayor DelVecchio asked Councilwoman Asaro if the Environmental Commission had made a decision on the promotional material that would be given to the restaurants for participation. She responded that they were still working on it.

COMMUNITY AGGREGATION: Mayor DelVecchio informed the members of the public present that letters have been mailed to the residents of our community informing them of the program which is slated to start in March depending on their billing cycle.

PARKING COMMITTEE: Mayor DelVecchio informed the members of the public present that he appointed Council President Stegman as the Chairperson of the Parking Committee and the Council President has been working on a scheduling a meeting which is planned for March.

COAH: Mayor DelVecchio informed the members of the public present that the City hired Econsult to represent the City in our filing of an appeal with the Court. The Court has given the City a new date which is in July. He asked the City Clerk to obtain a schedule from the City Planner and Special Attorney for COAH.

REDEVELOPMENT: Mayor DelVecchio informed the members of the public present that this is on hold until the COAH matter is resolved.

COMMUNITY RATING SYSTEM: Mayor DelVecchio informed the members of the public present that the City will be meeting with Garrett Byma and asked the City Clerk to obtain dates from John Miller.

SWAN CREEK: Mayor DelVecchio informed the members of the public present that the project is moving forward with the LMUA taking the lead and DEP included it for 2017 which indicates it is eligible for funding. The LMUA will be advertising for professional services for the completion of the Cultural Resource Study and for the filing of the SHPO application through the fair and open process.

NORTH UNION STREET PARK: Mayor DelVecchio informed the members of the public present that the meeting with residents is waiting for dates from the Mayor.

VIDEOTAPING COUNCIL MEETINGS: Mayor DelVecchio informed the members of the public present that this project is currently being rebid. The City Clerk is working with the school.

YORK STREET: Mayor DelVecchio informed the members of the public present that the City is waiting on DEP and SHPO approvals before they bid the project.

PUBLIC WORKS: Mayor DelVecchio informed the members of the public present that the roof project is complete. Michael Burns is working with contractors and Niece Lumber for prices on the fence.

GENERATOR: Mayor DelVecchio informed the members of the public present that the generator at City Hall was installed and is fully functional; the generator at the Library is waiting on the delivery of the generator; and the generator at the Phillip L. Pittore Justice Center is currently being reviewed by the City Engineer.

PAY-BY-CELL: Mayor DelVecchio informed the members of the public present that the contract with Parkmobile, LLC is in process and it is anticipated that the program will be rolled out on March 15.

CAVALLO PARK: Mayor DelVecchio informed the members of the public present that the pavilion is due to be delivered on March 15. Then the rain gardens, the paving and the rest of the plan will be completed.

SUMMER CAMP: Mayor DeVecchio informed the members of the public present that the Recreation Commission is currently working on the plan for 2016.

WEBSITE: Mayor DeVecchio informed the members of the public present that the redesign of the City's website is in process and scheduled to roll out around May 15.

ANNOUNCEMENTS.

DOG AND CAT LICENSES are available for purchase starting Friday, January 2, 2016 at City Hall, 18 York Street. The fee for a spayed dog or cat is \$15. Licensing of dogs a requirement of the NJSA 4. A \$25 late fee imposed beginning March 1, 2016.

PARKING PERMITS for those residing on metered streets will be available for purchase starting the week of December 23rd at City Hall. The annual fee is \$45 for a Permanent Residential Parking Permit, \$60 for a Transferrable Permit, and \$25 for a Temporary Parking Permit.

LANDLORD REGISTRATION is due by April 1, 2016. All rental units must be registered with the City of Lambertville (Ordinance 2010-23). All rental properties with two (2) or more rental units must also register with the State of New Jersey.

MUNICIPAL PARKING AT THE PHILLIP L. PITTORE JUSTICE CENTER: Space Numbers 36 is available to lease for \$55 per month. If interested, please call Shelley Corrado at 609-397-0110.

CITY OFFICES CLOSED on Friday, February 12 and Monday February 15. Friday's garbage and recycling will be picked up on Thursday, February 11. The Third Can Recycling Program will be picked up on Tuesday, February 16.

THIRD CAN RECYCLING: Information about the Third Can Recycling program can be found on the homepage of the City's website at www.lambertvillenj.org. The program is to begin on March 1st. Sign up today!

SHAD RUN will be held on April 16, 2016.

SHAD FESTIVAL will be held on Saturday, April 30 and Sunday, May 1.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

MATT LARKIN, SOUTH UNION STREET: Mr. Larkin asked the Mayor to clarify the City's position on Swan Creek. He said it was his understanding that the application to the EIT is in the amount of \$4 to \$10 million dollars for the flood gates and pump station. He asked for the schedule and expressed his frustration for the flood insurance premium he currently pays. Mr. Larkin commented that he didn't want to pay flood insurance any more. Currently he pays \$760 per month and he feels that is outrageous. Mayor DeVecchio responded by saying he didn't have a schedule yet but would obtain one from Tom Horn from the LMUA who is taking the lead on this project. He informed Mr. Larkin and the members of the public present that this project is to mitigate flooding in the southern end of town but it was never the goal to address the

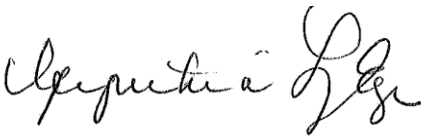
flood insurance issue. Mr. Larkin asked why the City didn't just take out a bond to fund the project. Mayor DelVecchio commented that the City made four applications to FEMA for funding. It became clear to the City that FEMA wasn't interested in the project, so at Caren Franzini's suggestion, the City decided to make an application to the EIT. Mayor DelVecchio commented that in his opinion, it would not be fair to the taxpayers of Lambertville to fund this project until all other means of funding were exhausted. And, if the City did decide to go that route, it would be completed by creating a special district with those immediately impacted funding the project through tax payments. Mayor DelVecchio instructed the City Clerk to obtain a schedule from Mr. Horn. Mr. Larkin commented that he didn't want his house to be in the flood plain. Mayor DelVecchio commented that the City's Special Engineer, John Miller, may be able to model how this project will impact flood insurance rates and that FEMA is the entity who does the flood maps. Councilwoman Asaro asked if residents along Ely Creek experienced a reduction in flood insurance. Mayor DelVecchio explained that they did through the CRS rating program. Councilwoman Asaro informed the members of the public present that she owns property at the shore and it's all about the risk.

SCOTT CONSOLI, NORTH MAIN STREET: Mr. Consoli expressed interest in getting involved in the Bike Rack Committee. Mayor DelVecchio instructed him to call Steve Wolock. Mr. Consoli informed the Mayor and Council members that he was interested in volunteering and would be interested in helping with the fence at Public Works. Mayor DelVecchio told him to contact the City Clerk.

ADJOURNMENT.

The meeting adjourned at 8:15 p.m. with a motion made by Council President Stegman and seconded by Councilwoman Warner. 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 minutes from the regularly scheduled session of Mayor and Council held on Tuesday, February 16, 2016 were approved at the regularly scheduled session of March 15, 2016.

