



**City of Lambertville**  
**Regularly Scheduled Session**  
**Tuesday, March 15, 2016, 6:30 p.m.**  
**Phillip L. Pittore Justice Center**  
**25 South Union Street, Lambertville**  
**MINUTES**

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

Mayor DelVecchio called the meeting to order at 6:30 p.m. and read the Statement of Compliance with the Open Public Meetings Act, noting that the Clerk provided the required notice on Thursday, March 10, 2016 to the Democrat, the Times, posted the agenda to the bulletin board at city hall, the website at [www.lambertvillenj.org](http://www.lambertvillenj.org), and noticed various people on the list serve, inclusive of department heads, city attorney and city engineer.

**ROLL CALL.**

Mrs. Ege called the roll as follows:

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

Absent: None.

**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 March 15, 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 March 15, 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 6:31 p.m. with a motion made by Councilwoman Warner and seconded by Councilwoman Asaro. An affirmative voice/roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor DelVecchio and City Council re-convened in regular session at 7 p.m. with a motion made by Council President Stegman 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.**

The Clerk 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 as amended: February 11, 2016 Special Session Minutes, February 16, 2016 regularly Scheduled Session Minutes, February 16, 2016 Closed Session Minutes. Council President Stegman 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 following Administrative Reports: 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. Council President Stegman made a motion to approve the Administrative Reports as listed on the meeting agenda. Councilwoman Warner 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 asked Bruce Currie, President of CA Niece & Company, Niece Lumber, to join him at the dais. He informed the members of the public present that Niece Lumber has been providing supportive services to the City after snow storms, and during and after hurricanes. Earlier this year, the Niece Lumber helped the Public Works Department with the snow removal of a storm that dumped 30 inches in the City. The Mayor stated that the City is very fortunate to have Bruce Currie and the crew at Niece Lumber who cleared the snow from Elm and portions of North Union Street while other crews worked to clear the Central Business District. For residents, the snow is an inconvenience but for businesses, it means a loss of money when they can’t open or when people can’t park to visit our local shops.

Mayor DelVecchio asked the Council to take turns in reading the proclamation into the record.

*Proclamation*

**WHEREAS**, Niece Lumber was founded in 1920 by Chester A. Niece, and started as one of the City's leading small businesses and has continued for nearly a century to serve the community and its residents; *and*

**WHEREAS**, current owners Bruce Currie, Jeanne Blair, and Marc Currie have maintained Niece Lumber's strong ties to the greater community, steadily giving of their time and materials to the City and its associated organizations during times of need, and always being a good neighbor willing to lend its assistance to the success of our City; *and*

**WHEREAS**, the City has called upon Niece Lumber many times for assistance during winter storms and flooding events and they have always answered the call; *and*

**WHEREAS**, Niece Lumber has donated its time, equipment, and manpower to the efforts to clear the City's streets and neighborhoods following the Blizzard of 2016 on January 23rd and 24th, helping residents dig out their vehicles and allowing the City's businesses to reopen to serve the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that Niece Lumber, its owners, and its employees, are formally recognized for their continued efforts in providing assistance to the City and our residents.

**BE IT FURTHER RESOLVED** that Niece Lumber, its owners, and its employees, are given the thanks and gratitude of the City of Lambertville and all its residents in their selfless dedication to helping in the recovery from the blizzard.

**BE IT FURTHER RESOLVED** that Saturday, March 19, 2016 is hereby proclaimed as Niece Lumber Day in the City of Lambertville.

**ADOPTED:** March 15, 2016

David M. DelVecchio, Mayor

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

Councilwoman Warner, who resides on Elm Street, thanked Niece Lumber for their years of service. She commentated that words would not describe her appreciation. The neighborhood is grateful for everything Niece Lumber does in the spirit of community. Mayor DelVecchio asked Mr. Currie if he wanted to address the public. Mr. Currie commented that his wife's father, Harry Blair, believed it was important for the employees of Niece Lumber to be involved in the firehouse and rescue squad and that giving back was and still is encouraged. Niece Lumber clears Elm Street to permit delivery trucks to gain access to their business, but they also want to

be good neighbors. Mayor DeVecchio informed the members of the public present that Bruce and Karen's son, Marc, serves on the Recreation Commission. Mr. Currie stated that he is following in his grandfather and father's footsteps as they too served on the Recreation Commission. Mayor DeVecchio commented that Niece Lumber does a great job and thanked Bruce and Karen for everything.

## **RESOLUTIONS – CONSENT AGENDA.**

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 53-2016 was removed from the consent agenda and will be placed on the agenda of the special session scheduled for March 23, 2016.

Resolution Number 53-2016: A Resolution Authorizing the Contract with Innovative Electrical Contractors for the installation of Permanent Generators at the Phillip L. Pittore Justice Center in an Amount Not to Exceed \$68,900.

City of Lambertville

### **RESOLUTION NUMBER 53-2016**

*A Resolution Authorizing the Contract with Innovative Electrical Contractors for the installation of Permanent Generators at the Phillip L. Pittore Justice Center In An Amount Not to Exceed \$68,900*

**WHEREAS**, Bids were submitted to the City for the Installation of Permanent Generators at the Phillip L. Pittore Justice Center and publicly opened on July 8, 2015. All bids were in excess of the funds available for the project, and therefore, the bids were rejected.

**WHEREAS**, The project was rebid, with bids submitted to the City and publicly opened on October 27, 2015, which were in excess of the funds available for the project, and therefore, the bids were rejected.

**WHEREAS**, In accordance with NJSA 40A:11-5, since the bid had been advertised and rejected on two occasions, City Council authorized T&M Associates to solicit quotes for the Installation of Permanent Generators at the Phillip L. Pittore Justice Center.

**WHEREAS**, Innovative Electrical Contractors submitted a proposal to complete the work for an amount not to exceed \$68,900.00.

**WHEREAS**, the Certified Municipal Finance Officer has certified that funds are available.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the contract with Innovative Electrical Contractors in an amount not to exceed \$68,900.00 for the Installation of Permanent Generators at the Phillip L. Pittore Justice Center is hereby authorized.

**BE IT FURTHER RESOLVED**, that the City Engineer is authorized to perform Construction Observation and Administration services related to the Installation of Permanent Generators at the Phillip L. Pittore Justice Center.

**BE IT FURTHER RESOLVED**, that the Mayor, City Attorney and City Clerk are authorized to sign the contract with Innovative Electrical Contractors for the Installation of Permanent Generators at the Phillip L. Pittore Justice Center is hereby authorized.

**City of Lambertville**  
**Regularly Scheduled Session**  
**Tuesday, March 15, 2016, 6:30 p.m.**  
**Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville**  
**Agenda**  
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ADOPTED: March 15, 2016

*Consent Agenda included Resolution Number 54-2016 through 62-2016.*

Resolution Number 54-2016: *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Contract With Computer Solutions for Technology Services At A Fee Not to Exceed \$3,500 for 20 Sessions.*

City of Lambertville  
**RESOLUTION NUMBER 54-2016**

*A Resolution Authorizing the Mayor, City Attorney and City Clerk to Sign the Contract With Computer Solutions in An Amount Not to Exceed \$3,500 for 20 Sessions*

**WHEREAS**, the City of Lambertville executed a formal request for proposals on two separate occasions for technology services; and

**WHEREAS**, the project was bid on December 3, 2015 with a bid opening date of December 30, 2015 and again on January 14, 2016 with a bid opening date of February 4, 2016; and

**WHEREAS**, In accordance with NJSA 40A:11-5, since the bid had been advertised and rejected on two occasions, City Council authorized the City Clerk to solicit quotes for Technology Services at the regularly scheduled session of Mayor and Council held on Tuesday, February 16, 2016.

**WHEREAS**, Computer Solutions submitted a quote for the purchase of blocks of hours at a rate of \$175 per hour for a total of 20 sessions equaling \$3,500, beginning at 9 am and ending at 5 pm, Monday through Friday, excluding holidays.

**WHEREAS**, the Certified Municipal Finance Officer has certified that funds are available.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the contract with Computer Solutions for the purchase of 20 sessions at 1 hour each in an amount not to exceed \$3,500 is hereby authorized.

**BE IT FURTHER RESOLVED**, that the Mayor, City Attorney and City Clerk are authorized to sign the contract with Computer Solutions for technology services is hereby authorized.

ADOPTED: March 15, 2016

Resolution Number 55-2016: *A Resolution to Authorize the Mayor to Sign the Agreements for the Eprocurement of Electric and Gas As Lead Agency for the South Hunterdon Renewable Energy Cooperative.*

City of Lambertville  
**RESOLUTION NUMBER 55-2016**

*A Resolution Authorizing the Mayor, City Attorney and City Clerk to Sign the Agreements for the Eprocurement of Electric for the South Hunterdon Renewable Energy Cooperative for Buildings, Rejecting the Bids Received for Street Lighting*

**WHEREAS**, the South Hunterdon Renewable Energy Cooperative executed a formal request for proposals for the eprocurement of electric and gas through a reverse auction process as defined by the State of New Jersey through Gabel Associates; and

**WHEREAS**, the project was advertised on March 1, 2016 on the City's website and with notice provided to all eligible bidders, with a reverse auction date of March 15, 2016; and

**WHEREAS**, if the contract is awarded, it will commence with the meter read date in May 2016 and will commence for 12 or 24 months.

**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 as the lead agency for the South Hunterdon Renewable Energy Cooperative, the Mayor, City Attorney and City Clerk are authorized to sign the contract with the successful bidder for the eprocurement of electric for RSCP Accounts (Buildings) to TriEagle Energy for a 24 month term at a rate not to exceed \$0.085 and reject the bids received for RSCP Accounts (Lighting); noting that the SHREC did not receive bids for gas services.

ADOPTED: March 15, 2016

**Resolution Number 56-2016: A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Discharge of Mortgage for Block 1077, Lot 17, 45 North Franklin Street, Estate of Marie Toohey in the Amount of \$24,745.00.**

City of Lambertville

**RESOLUTION NUMBER 56-2016**

*A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Discharge of Mortgage for Block 1077, Lot 17, 45 North Franklin Street, Estate of Marie Toohey in the Amount of \$24,745.*

**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 for block 1077, lot 17, 45 North Franklin Street, paid in full by the Estate of Marie Toohey on February 23, 2016, in the amount of \$24, 745.00.

ADOPTED: March 15, 2016

**Resolution Number 57-2016: A Resolution to Authorize the Refund of Duplicate Tax Payments to Corelogic Real Estate Tax Service in the Amount of \$1,469.89 for Block 1081, Lot 25, Owned by Paul, David & Jane Abitanta.**

City of Lambertville

**RESOLUTION NUMBER 57-2016**

*A Resolution to Authorize the Refund of Duplicate Tax Payments to Corelogic Real Estate Tax Service in the Amount of \$1,469.89 for Block 1081, Lot 25, Owned by Paul, David & Jane Abitanta.*

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the refund of duplicate tax payment made by Corelogic Real Estate Tax Service in the amount of \$1,469.89 for block 1081, lot 25, owned by Paul, David & Jane Abitanta is hereby authorized.

ADOPTED: March 15, 2016

Resolution Number 58-2016: A Resolution to Authorize the Refund of Duplicate Tax Payments to Corelogic Real Estate Tax Service in the Amount of \$1500.14 for block 1050, Lot 9 Owned by Jeffery Apoian.

City of Lambertville

**RESOLUTION NUMBER 58-2016**

*A Resolution to Authorize the Refund of Duplicate Tax Payments to Corelogic Real Estate Tax Service in the Amount of \$1,500.14 for Block 1050, Lot 9 Owned by Jeffery Apoian.*

**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 duplicate tax payment made by Corelogic Real Estate Tax Service for block 1050, lot 9 in the amount of \$1,500.14 for the property owned by Jeffery Apoian is hereby authorized.

ADOPTED: March 15, 2016

Resolution Number 59-2016: A Resolution to Authorize the Clerk to Auction off City Owned Property Through a Public Auction, Online Auction Via Municibid, and Any Other Means as Authorized in N.J.S.A. 40A:12-13.

City of Lambertville

**RESOLUTION NUMBER 59-2016**

*A Resolution to Authorize the Clerk to Auction Off City Owned Property No Longer in Use Through a Public Auction, Online Auction Via Municibid, and Any Other Means as Authorized by N.J.S.A. 40A:12-13*

**WHEREAS**, the City of Lambertville has determined the following items are no longer required for public use:

- 2002 International Recycling Truck (L8)
- 2003 Dodge Pick-up With Plow (L2)
- 2003 Ford Crown Victoria (17-1)
- 2005 Ford Crown Victoria (17-13)
- Various Bicycles
- 2003 Honda Civic Hybrid
- Jewelry
- Dewalt drill

**WHEREAS**, the aforementioned items will be sold via public auction through an electronic bidding process via Municibid's website to the highest bidder, and

**WHEREAS**, the Mayor is hereby authorized to approve any additions to this list of items no longer used for public use.

**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 hereby approves the sale of items through public auction on the Municibid's Website.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to sign all title work with regard to the fore mentioned items no longer required for public use.

**BE IT FURTHER RESOLVED** that should the items listed not be sold on the website of public surplus, the Clerk is hereby authorized to hold a public auction at a date and time to be announced.

**ADOPTED:** March 15, 2016

Resolution Number 60-2016: *A Resolution to Accept/Reject the Bid Received for Professional Services for a Forester for the Shade Tree Commission Received from Heartwood Ecological Consulting in An Amount Not to Exceed \$4,500.*

City of Lambertville  
**RESOLUTION NUMBER 60-2016**

*A Resolution to Accept/Reject the Bid Received for Professional Services for a Forester for the Shade Tree Commission Received from Heartwood Ecological Consulting in an Amount Not to Exceed \$4,500*

**WHEREAS**, the City of Lambertville advertised for professional services through the fair and open process with a bid opening date set for Thursday, December 3, 2015 and did not receive a bid; and

**WHEREAS**, the City of Lambertville advertised for professional services of a Forester through the fair and open process for a second time with the bid opening date of March 3, 2016 and Heartwood Ecological Consulting responded to the request with a quote of \$4,500; and

**WHEREAS**, grant awarded for the completion of the Community Forestry Management Plan is in the amount of \$3,000; and

**WHEREAS**, the proposal submitted exceeds the amount of the grant.

**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 hereby reject the bid received from Heartwood Ecological Consulting in the amount of \$4,500 because it exceeds the funds budgeted for the project.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to solicit for quotes from Foresters who are listed on the State of New Jersey's list of approved venders for the completion of the Community Forestry Management Plan.

**ADOPTED:** March 15, 2016

Resolution Number 61-2015: *A Resolution to Authorize the City Clerk to Submit the Raffle Application Filed by PTA Lambertville School to the State of New Jersey Legalized Games of Chance Control Commission for the May 25<sup>th</sup> Raffle of a Microsoft Surface Tablet.*

City of Lambertville  
**RESOLUTION NUMBER 61-2016**



*A Resolution to Authorize the City Clerk to Submit the Raffle Application Filed by PTA Lambertville School to the State of New Jersey Legalized Games of Chance Control Commission for the May 25<sup>th</sup> Raffle of a Microsoft Surface Tablet*

**WHEREAS**, the PTA Lambertville School filed a raffle application in the Clerk's Office on Monday, March 7, 2016; and

**WHEREAS**, the City Clerk filed a copy in the Police Department on Tuesday, March 8, 2016; and

**WHEREAS**, the City Clerk has determined that the applicant is qualified and that the application is complete and has completed the determinations statement as required by the LGCCC.

**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 City Clerk is hereby authorized to submit the raffle application submitted by PTA Lambertville School to the State of New Jersey Legalized Games of Chance Control Commission.

**ADOPTED:** March 15, 2016

Resolution Number 62-2016: A Resolution Authorizing the 2016 Summer Recreation Program.

**City of Lambertville**  
**RESOLUTION 62-2016**

*A Resolution Authorizing the 2016 Summer Recreation Program*

**WHEREAS**, the Summer Recreation Program of 2015 was highly successful with an average of 50 participants; and

**WHEREAS**, on Wednesday, February 10, 2016, the Recreation Commission approved the 2016 program with Jeff Neumann as the organizer.

**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 Summer Recreation Program is hereby authorized for 2016.

**ADOPTED:** March 15, 2016

Mayor DelVecchio asked for a motion to adopt the resolutions as presented on the Consent Agenda. Councilwoman Asaro made a motion to adopt resolution numbers 54-2016 through 62-2016 as listed on the consent agenda. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

**APPROVAL OF THE BILLS LIST.**

Mayor DelVecchio asked for a motion to approve the Bills List. Councilman Sanders made a motion to approve the Bills List as presented. 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 14-2016: A Bond Ordinance to Fund the Purchase of a SUV and Equipment for the Police Department in the Amount of \$56,000.**

Mayor DelVecchio read the ordinance into the record by title. He informed the members of the public present that this ordinance will fund the purchase of a new SUV for the police department.

**CITY OF LAMBERTVILLE, NEW JERSEY**

**ORDINANCE NO. 14-2016**

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**AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR ACQUISITION OF POLICE VEHICLE AND EQUIPMENT IN AND FOR THE CITY, APPROPRIATING \$55,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$52,250 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.**

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**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 \$55,000, including the sum of \$2,750 as the down payments for the improvements and purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$52,250, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued is the acquisition of Police vehicles and related equipment, including but not limited to the acquisition of a new SUV and installation of related equipment to prepare the vehicle for its intended use and replacement of equipment within the existing fleet of police vehicles, each as more fully set forth in the project summary on file in the Office of the City Clerk, and including all work and related materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued 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 \$52,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$7,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

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

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

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

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

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

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

Mayor DelVecchio asked for questions or comments. There being no questions or comments, Mayor DelVecchio asked for a motion to introduce Ordinance Number 14-2016. Councilwoman Warner made a motion to introduce on first reading Ordinance Number 14-2016. 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 April 19, 2016.

**Ordinance Number 15-2016: A Salary & Wage Ordinance.**

Mayor DelVecchio read the Ordinance into the record by title. He informed the members of the public present that this establishes salary ranges for employees of the City.

**City of Lambertville**  
**ORDINANCE NUMBER 15-2016**  
*An Ordinance to Amend the Salary & Wage Ordinance for the City of Lambertville*  
**SALARY AND WAGE ORDINANCE**

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

**SECTION ONE:** The following shall be the range of compensation for the officials and employees of the City of Lambertville not covered by separate bargaining units:

Police Director	\$50,000 - \$95,000
Senior Police Administrative Assistant	\$23,000 - \$45,000
Secretary, Part-time	\$11.00 - \$24.00 per hour
Crossing Guard	\$10.00 - \$20.00 per hour
Parking Enforcement Officer, Full Time	\$12.00 - \$25.00 per hour
Parking Enforcement Officer, Part-time	\$11.00 - \$25.00 per hour
Class II Special Police Officer	\$11.00 - \$30.00 per hour
Police Officer, Part-time	\$12.00 - \$45.00 per hour
Matron	\$12.00 - \$30.00 per hour
Court Administrator	\$26,000 - \$51,000
Violations Clerk/Dty Ct Admin Part Time	\$11.00 - \$25.00 per hour
Municipal Court Judge	\$10,000 - \$20,000
Municipal Court Judge, DWI	\$110.00 - \$175.00 per hour

**City of Lambertville**

**Regularly Scheduled Session**

**Tuesday, March 15, 2016, 6:30 p.m.**

**Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville**

**Agenda**

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Chief Financial Officer/Director of Finance	\$7,000 - \$55,000 or \$29 to 60 per hour
Tax Collector	\$15,000 - \$43,000
Tax Assessor	\$20,000 - \$35,000
Tax Assessor, Reassessment work	\$5,000 - \$10,000
Mayor & City Council	\$500 - \$10,000
Municipal Clerk	\$50,000 - \$95,000
Administrative Assistants	\$20,000 - \$40,000
Bookkeeper/Deputy Treasurer	\$20,000 - \$60,000
Planning Board Administrative Officer	\$3,000 - \$10,000
Zoning Board Administrative Officer	\$3,000 - \$10,000
Zoning Officer	\$4,000 - \$15,000
Construction Code Official	\$17,000 - \$60,000
Electric Subcode Official	\$9,000 - \$20,000
Plumbing Subcode Official	\$4,000 - \$20,000
Fire Subcode Official	\$4,000 - \$13,000
Fire Prevention Official	\$10,000 - \$18,000
Sub Code Officials – Hourly Rate	\$18.00- \$45.00 per hour
Construction Control Person/TACO	\$18,000 - \$40,000
Substitute Official/Inspector	\$18.00 - \$40.00 per hour
Public Works Director	\$25.00 - \$55.00 per hour
Public Works Foreman	\$16.00 - \$40.00 per hour
Solid Waste Driver	\$15.00 - \$30.00 per hour
Solid Waste Collector	Minimum Wage - \$12.00 per hour
Truck Driver/Labor	\$14.00 - \$25.00 per hour
Labor	\$14.00 - \$25.00 per hour
Public Works Operator	\$15.00 - \$30.00 per hour
Librarian	\$15.00 - \$30.00 per hour
Children's Librarian	\$14.00 – \$30.00 per hour
Library Assistant	Minimum Wage - \$25.00 per hour
Public Assistance Director	\$7,000 - \$30,000
Animal Control Officer	\$4,000 - \$25,000
Historic Commission Secretary	\$250 - \$2,000
Hourly Rate for Part Time Work	\$11.00 - \$45.00 per hour
Director of Summer Program	\$30 - \$65 per hour/\$3,000 to \$10,000
Counselors of Summer Program	\$16 - \$45 per hour

WHEREAS, the establishment of a hourly rate is needed for positions that may not fall into a category listed above or to compensate an employee for work completed on an Inter Local Agreement, and

WHEREAS, Mayor and Council recognize there is a need from time to time to hire a qualified individual to complete a job or tasks within the City of Lambertville.

NOW THEREFORE BE IT RESOLVED that Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, by way of adoption of the Salary and Wage Ordinance for 2016, hereby authorize the Salary and Wage Ordinance for 2016.

First Reading and Introduction: March 15, 2016

Second Reading and Public Hearing: April 19, 2016

Mayor DelVecchio asked for any questions or comments from the public. He asked for a motion to introduce on first reading Ordinance Number 15-2016. Council President Stegman made a motion to introduce on first reading Ordinance Number 15-2016. 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 informed the members of the public present that the public hearing for Ordinance Number 15-2016 will be held on April 19, 2016.

## **ORDINANCES – SECOND READING AND FINAL ADOPTION.**

**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 the public present that this ordinance will fund the purchase of a new dump truck for Public Works and will also fund upgrades to current equipment with a life expectancy of 10 years or more.

**CITY OF LAMBERTVILLE, NEW JERSEY**

**ORDINANCE NO. 10-2016**

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**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.**

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**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 opened the public hearing on Ordinance Number 10-2016 and asked for public comments or questions.

Kevin Wentworth asked if the City has ever leased equipment. Mayor DelVecchio explained that the City has leased police vehicles but because of the wear and tear it isn't advantageous to lease public works equipment. He explained that because of the CAP law, it is to the City's benefit to bond for equipment because it is outside cap. Mr. Wentworth asked the size of the truck. The Public Works Director commented that it is a 6 wheel dump truck weighing 18 tons.

There being no further public comment, Mayor DelVecchio asked for a motion to close the public hearing on Ordinance Number 10-2016. Council President Stegman made a motion to close the public hearing for Ordinance Number 10-2016. 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 Ordinance Number 10-2016 on second reading and final approval. Councilman Sanders made a motion to adopt Ordinance Number 10-2016 on second reading, granting final approval. 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 11-2016: An Ordinance to Create A Unified Electronic Reporting System for Dealers in Scrap Metal and Ordinance Number 12-2016: An Ordinance to Create A Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods.**

Mayor DelVecchio read Ordinance Numbers 11-2016 and 12-2016 into the record by title. He explained that this ordinance was recommended by the Hunterdon County Prosecutor's Office and will permit the Police Department to obtain information necessary in recovering scrap metal and precious metals.



**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 points 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 (H0).
- 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

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**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, DVSS, 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 residence 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 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 points 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 (H0).
- 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 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 DeVecchio asked the Police Director to explain the need for the ordinances. Mr. Cocuzza stated that the City does not presently have a business in the City that scraps metal however,

should a business open, they would be required to report all transactions in a manner that would allow the Police Department to utilize the information for investigations of stolen goods.

Mayor DelVecchio opened the public hearing for Ordinance Numbers 11-2016 and 12-2016 and asked for public comments or questions.

Council President Stegman asked how this would impact the local jewelry stores. The Police Director commented that this is only for scrap metal and places that offer to purchase estate jewelry. Council President asked if they currently purchase jewelry from the public if this would apply to them. The Police Director stated that in his opinion, this would only impact places that salvage items. Discussion ensued. Council members felt that Ordinance Number 12-2016 was pretty broad and may apply to current jewelry stores. The concern was for it negatively impacting established jewelry stores. The Police Director will do research and Ordinance Number 12-2016 was tabled to the March 23, 2016 Special Session of Mayor and Council.

Mayor DelVecchio asked for a motion to close the public hearing for Ordinance Number 11-2016 and carry Ordinance Number 12-2016 to the March 23, 2016 special session.

Councilwoman Warner made a motion to close the public hearing on second reading for Ordinance Number 11-2016 and carry Ordinance Number 12-2016 to the March 23, 2016 special session. Council President Stegman 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 final approval, Ordinance Number 11-2016. Council President Stegman made a motion to adopt Ordinance Number 12-2016 on second reading, granting final approval. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**Please note: the public hearing on Ordinance Number 13-2016 to Establish a CAP Bank will be held on Wednesday, March 23, 2016 beginning at 7 pm.**

## **CORRESPONDENCE.**

### **GREATER LAMBERTVILLE-NEW HOPE CHAMBER OF COMMERCE:**

Mayor DelVecchio asked the Police Director if he spoke with the Chamber of Commerce regarding the 5K Run. The Police Director said he would contact them to discuss this further and work out the details.

5K Run on Thanksgiving morning from 8:30 AM to 9:30 AM. The Mayor said the time has changed to accommodate the football game between South Hunterdon Regional School District and New Hope School. It will be from 8 AM to 9 AM. Derek Roseman and Glenn Davis are Co-Chairing this event.

Fireworks: Saturday, May, 21 (New Hope Celebrates Parade), Friday, June 3, Friday, July 1, Friday, August 5, Friday, September 2 (First Friday Events), Saturday, November 26, Sunday, November 27 (Annual Tree Lighting in Lambertville and New Hope).

Steve Chernoski, a resident, commented that it would be nice to have the run begin at the football field at South and end in New Hope. The Mayor directed him to the Chamber.

Mayor DelVecchio asked for a motion to approve the Fireworks schedule and 5K Run with the route that is to be determined as requested by the Greater Lambertville-New Hope Chamber of Commerce, pending the submittal of the required application to the State of New Jersey, Certificate of Insurance and Hold Harmless Agreement. Councilman Sanders made a motion to approve the request of the Greater Lambertville-New Hope Chamber of Commerce for the 5K race with the route to be determined and the Fireworks for New Hope Celebrates, first Fridays beginning in June and ending in September, and for the holiday tree lighting pending the submittal of the application to the State of New Jersey, Certificate of Insurance naming the City of Lambertville as additional insured and the Hold Harmless Agreement. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

DELAWARE RIVER BASIN COMMISSION: Notice of Applications Received (NAR), which includes PennEast Pipeline Company, LLC, D-2016-001-1. Please refer to the Commission's website (<http://www.nj.gov/drbc/programs/project/docket>) to track the status of these projects.

### **UNFINISHED/OLD BUSINESS.**

CAVALLO PARK: Mayor DelVecchio announced that Cavallo Park will reopen with a soft opening on March 25 to the public. The entrance, play area, reseeding, new equipment will all be installed. The rededication will be during the first week of May. Mayor DelVecchio acknowledged Brad Campbell, a former resident of the City and former DEP Commissioner for his assistance with the remediation of Cavallo Park. His knowledge and understanding of the remediation helped the City to make decisions on closing the park, language for the signs, and gave direction on how best to proceed with the clean-up. He also complimented the State of New Jersey DEP for the assistance they gave the City with understanding the remediation.

2016 BUDGET: Mayor DelVecchio informed the members of the public present that the public hearing on the budget is scheduled for Wednesday, March 23<sup>rd</sup> at 7 pm at the Phillip L. Pittore Justice Center.

THIRD CAN/FOOD WASTE RECYCLING PROGRAM: Mayor DelVecchio informed the members of the public present that the City currently has three restaurants (DeAnna's, Caffè Galleria and Main Street Market) participating in the Third Can program. DeAnna's Restaurant has reported that they have decreased their garbage cans from 6 to 2. Caffè Galleria has decreased to one garbage pick-up since beginning the program. Councilwoman Asaro informed the Mayor that the Environmental Commission has divided up the list of restaurants and will be visiting them to encourage their participation in the Third Can program. They will have a design for the sticker for participating restaurants by April 1<sup>st</sup>.

COMMUNITY AGGREGATION: The Mayor informed the members of the public present that the new program should begin this month and will save the community \$240 over the 24 month contract.



SHREC: The Mayor informed the members of the public present that the eprocurement of electric was awarded to TriEagle Energy for municipal buildings. They will rebid street lighting and gas.

SUMMER CAMP: Mayor DelVecchio informed the members of the public present that the Summer Camp was approved by the Recreation Commission and the Council and will take place again this summer.

D&R CANAL PARKING: Mayor DelVecchio informed the members of the public present that the Parking Committee will meet with residents on Wednesday, March 30<sup>th</sup> at 7 pm at the Phillip L. Pittore Justice Center.

VIDEOTAPING MEETINGS: Mayor DelVecchio informed the members of the public present that this will be rebid.

COAH: Mayor DelVecchio informed the members of the public present that the City is waiting on the Court Appointed Master to review the report.

REDEVELOPMENT STUDY & PLAN: Mayor DelVecchio informed the members of the public present that the Redevelopment Study and Plan are on hold until the COAH law suit has been settled determining the number of units or rehabilitations required for the City.

PUBLIC WORKS: Mayor DelVecchio informed the members of the public present that the main building at Public Works has received a new roof. The plan for new fencing is moving forward.

NORTH UNION AND CHERRY STREET PARK: Mayor DelVecchio informed the members of the public present that a meeting of the committee and residents is in process. They are looking at March 23<sup>rd</sup> at 7:30 p.m.

SWAN CREEK FLOOD PROJECT: Mayor DelVecchio informed the members of the public present that the City received news from DEP that the Swan Creek Flood Gate Project didn't fit the guidelines for EIT funding. The members of EIT were encouraging but the members of DEP who oversee the EIT have determined that it wasn't a good fit. Mayor DelVecchio asked the City Clerk to set up a meeting with Cindy Randazzo, the City's representative from DEP, to discuss how best to proceed. In the interim, the City will re-apply to FEMA for funding in the next round for PDM and FMA which is due to open on March 15. Mayor DelVecchio informed the members of the public present that the City received a call from Chris Testa at the ROC who works with the State Police on FEMA Funding issues, encouraging the City to put in an application. The State received news that they could submit an unlimited number of applications and they were not given a focus area.

YORK STREET RECONSTRUCTION: Mayor DelVecchio informed the members of the public present that the City is waiting on SHPO approval of the color match for the wall on York Street to proceed with bidding the project.

PAY-BY-CELL FOR METERS: Mayor DelVecchio informed the members of the public present that the City is working on designing the stickers for the meters. The goal is to have this program fulling operational by April 15.

CRS RATING: Mayor DeVecchio informed the members of the public present that the City will meet with Garrett Byma on May 9<sup>th</sup> at City Hall. Mr. Byma will complete the audit to determine the CRS Rating. The City is hoping for a level 6.

WEBSITE: Mayor DeVecchio informed the members of the public present that the redesign of the City's website should be up and running by June 1.

WELCOME SIGNS: Councilwoman Asaro asked the Council President where the Committee was with the Welcome signs. Council President Stegman stated that he spoke with Michael Burns and now that winter is over he will take a look at the locations selected by the committee.

### **NEW BUSINESS.**

None.

### **ANNOUNCEMENTS.**

CITY OFFICES CLOSED on Friday, March 25, 2016. Friday's garbage and recycling will be picked up on Thursday, March 24, 2016.

STREET SWEEPER RESUMES on Tuesday, March 15, 2016! Help us keep our streets clean and remember to move your car on your scheduled day.

SPECIAL SESSION OF MAYOR AND COUNCIL will be held on Wednesday, March 23, 2016 starting at 7 pm. Agenda items include the public hearing and adoption of the CAP Bank Ordinance and the 2016 Budget.

STRATEGIC PLANNING MEETING AT SHRSD: The South Hunterdon Board of Education invites you to participate in a Strategic Planning initiative to create a shared vision for the future of our new regional school district. Please join us to contribute your thoughts, ideas, and hopes, so that we can effectively plan for the future of our students. Come to one, two, or all of the meetings as your schedule allows. Meetings are March 1, March 16, and April 4 at 7pm in the South Hunterdon High School Commons at 301 Mt Airy-Harbourton Rd, Lambertville.

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 Number 31 is available to lease for \$55 per month. If interested, please call Shelley Corrado at 609-397-0110.

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.**

**City of Lambertville**

**Regularly Scheduled Session**

**Tuesday, March 15, 2016, 6:30 p.m.**

**Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville**

**Agenda**

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Caren Franzini of South Union Street asked if the City knew why the house across the street was boarded up. The Clerk stated she thought the bank was handling it but would check.

Steve Chernoski asked for clarification on the number of restaurants participating in the Third Can Recycling Program. Councilwoman Asaro informed him that it was three businesses, DeAnna's Restaurant, Caffè Galleria and Main Street Market.

### **ADJOURNMENT.**

The meeting adjourned at 8:15 p.m. with a motion made by Council President Stegman and seconded by Councilman Sanders. 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 March 15, 2016 Regularly Scheduled Session Minutes were approved at the regularly scheduled session of the Governing Body held on April 19, 2106.*

