



City of Lambertville
Special Session
Monday, August 1, 2016, 7 p.m.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville
MINUTES

STATEMENT OF COMPLIANCE.

Mayor DelVecchio called the meeting to order at 7:02 p.m. and read a statement of compliance with the Open Public Meetings Act into the record, noting that the Clerk provided the required notice on Wednesday, July 27, 2016 to the Democrat, the Times, posted the agenda to the bulletin board at city hall, the website at 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 (via phone), Councilman Sanders, Councilwoman Warner, Council President Stegman, Mayor DelVecchio.

Absent: None.

CLOSED SESSION.

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

Mayor and Council did not go into closed session.

PLEDGE OF ALLEGIANCE.

Mayor DelVecchio led the public in the Pledge of Allegiance.

MOMENT OF SILENCE.

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

RESOLUTIONS.

Resolution Number 101-2016: A Chapter 159 Resolution to Authorize the Insertion of an Item of Revenue for the Alcohol Education Rehab Grant in the Amount of \$966.90.

Mayor DelVecchio read the resolution into the record and informed the members of the public that this resolution is to amend the 2016 budget and insert a special item of revenue for the Alcohol Education Rehab Grant in the amount of \$966.90.

City Of Lambertville
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Lambertville, NJ 08530

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RESOLUTION NUMBER 101-2016
RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A.
40A:4-87 (Chapter 159 P.L. 1948)

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WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$966.90 Alcohol Education Rehab Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2016 CY Budget in the amount of \$966.90 which item is now available as revenue from the receipt of the Alcohol Education Rehab Grant.

BE IT FURTHER RESOLVED that a like sum of \$966.90 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"
Alcohol Education Rehab Grant \$966.90

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: August 1, 2016

Mayor DelVecchio asked for a motion to adopt Resolution Number 101-2016. Councilman Sanders made a motion to adopt resolution number 101-2016. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 102-2016: A Salary & Wage Resolution for the Bureau of Fire Prevention.

Mayor DelVecchio read the resolution into the record. He informed the members of the public present that this authorizes the hire of Frank D'Amore as the Inspector for the Bureau of Fire Prevention through the month of September at a monthly rate of \$1,063.

City of Lambertville

RESOLUTION NUMBER 102-2016

A Salary & Wage Resolution for the Bureau of Fire Prevention

NOW THEREFORE BE IT RESOLVED, by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey, that Frank D'Amore is hereby appointed as the Inspector for the Bureau of Fire Prevention beginning January 1, 2016 at a rate of \$1,063 per month and ending September 30, 2016.

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ADOPTED: August 1, 2016

Mayor DelVecchio asked for a motion to adopt Resolution Number 102-2016. Councilman Sanders made a motion to adopt Resolution Number 102-2016. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 103-2016: A Resolution to Accept the 2015 Audit as Prepared by Suplee Clooney and Company.

Mayor DelVecchio read the resolution into the record by title and he informed the members of the public present that this resolution is to accept the 2015 audit findings prepared by Suplee Clooney and Company, the City's auditors. He asked the Clerk to see when the Corrective Action Plan would be available.

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION

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

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

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

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or

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refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON August 1, 2016.

Cynthia L. Ege, CMR, RMC, City Clerk

Mayor DelVecchio asked for a motion to adopt Resolution Number 103-2016. Councilman Sanders made a motion to accept the 2015 audit prepared by Suplee Clooney and Company. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution Number 104-2016: A Resolution To Amend Resolution Number 87-2016, Annual Renewal of Alcoholic Beverage Control Licenses for 2016-2017, Rescinding Paragraph Number 2 Authorizing License Number 1017-33-001-005, Stephen Williamson.

Mayor DelVecchio read the resolution into the record. He informed the members of the public present that this resolution amends Resolution Number 87-2016 for the renewal of the Alcoholic Beverage Control Licenses for 2016-2017.

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RESOLUTION NUMBER 104-2016

A Resolution to Amend Resolution Number 87-2016, Annual Renewal of Alcoholic Beverage Control Licenses for 2016-2017, License Number 1017-33-001-005, Stephen Williamson

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that paragraph number two of resolution number 87-2016 adopted on June 21, 2016 authorizing the renewal of the license for Stephen Williamson, license number 1017-33-001-005 is hereby rescinded.

ADOPTED: August 1, 2016

Mayor DelVecchio asked for a motion to adopt Resolution Number 104-2016. Councilwoman Warner made a motion to adopt Resolution Number 104-2016. Council President Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

BILLS LIST.

A bills list was not presented for the event. No action was taken.

ORDINANCES – INTRODUCTION AND FIRST READING.

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Ordinance Number 24-2016: An Ordinance to Establish a Personnel Practices Manual for all Officials, Appointees, Employees, Prospective Employees, Volunteers and Independent Contractors for the City of Lambertville and to Repeal Ordinance Number 02-2012, Permitting Updates by Resolution.

Mayor DeVecchio informed the members of the public present that Ordinance number 24-2016 is on hold.

CORRESPONDENCE.

PENNEAST PIPELINE: Letter from Sue Begent, Judy Carroll Detrano and Alicia Milosz requesting to be placed on the August 1st meeting agenda to discuss the critical impacts the pipeline will have on Lambertville.

Mayor DeVecchio asked Sue Begent, Mike Spille and Jeff Tittle to step up to the dais and to make their presentation on the PennEast Pipeline.

Sue Begent stepped up and read the following statement into the record:

My name is Sue Begent, Lambertville resident and member of the Lambertville Coalition Against the PennEast Pipeline (CAP). Our recently formed Lambertville CAP group is one of many similar groups from across the Delaware River Valley, all of whom share a deep concern about the threat this pipeline poses to the health, beauty and safety of this valley and to Lambertville specifically.

Thank you for responding to the letter of concern sent to you on behalf of the CAP group by myself, and local residents Judy Detrano and Alicia Milosz, and for putting us on the agenda tonight. Thank you also to Mayor DeVecchio for meeting with a small group of us last Friday, in order to better understand and discuss our requests and concerns. We appreciate this.

I'd like to fully recognize the Lambertville City Council for being one of the first townships to pass a resolution against this pipeline. It is very encouraging that our city council has historically taken action on residents concerns in this matter.

Tonight you will be hearing from Lambertville residents about our significant current concerns - about a new risk to our town water supply and local wells (because of a change in route that brings the pipeline between the town and the reservoir and Swan creek), about safety risks associated with construction, leaks, spills and explosions, about dangers involved for first responders, construction of access roads, impact of heavy equipment/pipeline trucks on the fabric of our scenic byways, and congestion of our roads, increased risk of town flooding, concerns about potential downturn in property values, potential negative impact on tourism, and - not least - environmental impact.

These are not small issues.

Immediate action is paramount. The approval of Penn East Pipeline is at a critical juncture. The Federal Energy Regulatory Commission (FERC) has just released its Draft Environmental Impact Statement (DEIS), for public review and comment. Review of this statement by multiple concerned bodies reveal egregious inaccuracies and missing information. Intervention is key, and time is short; the window available to us will close on September 12th.

In order to address immediate and subsequent needs and to effectively stop the progress of this threat, the Lambertville CAP group is requesting the following from the city council:

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- (1) Formal registration of the city of Lambertville as intervenor on the FERC docket
- (2) Formation of an official Pipeline Committee
- (3) Formal partnering with other local townships (eg Delaware and Hopewell) in fighting permits for the PennEast Pipeline
- (4) Making funding available (10-15K) to cover potential costs such as an environmental impact study, and potential litigation in conjunction with other towns, if needed.

I am happy to report that in our Friday discussion with the Mayor DeVecchio, he was agreeable in principle, that the city will intervene on the FERC docket, will form a pipeline committee (and indeed this is already underway), and is willing to partner with local townships. We'd like to formalize those agreements tonight. I'd like to thank the mayor and our councillors for their prompt action on this.

The outstanding key issue is making sure that the requested funding is available for an environmental impact study (so it may be included in the commentary in the FERC docket, or other state review documents as they open for comments) or for legal action to fight permits in partnership with other townships, if need be.

Funding is key to Lambertville City Council being able to pay for the required expertise - such as environmental studies or legal action to be effective, and we seek this commitment from you as a council now.

Thank you again for the action you have already taken on this important matter. Thank you for the support you have already pledged and for now addressing our one outstanding request - funding.

Jeff Tittle of 33 Wilson Street made the following presentation to the Governing Body:

Jeff Tittle of 33 Wilson Street, Executive Director of the Sierra Club. We have been dealing with this issue and understand how to fight or slow down the process. We have been working with the Delaware River Keeper and recently won a law suit against FERC who tried but couldn't get a stay. The pipeline is near the City's border and will go over Goat Hill Road in West Amwell Township, crosses Swan Creek, a C1 stream). They will drill under the stream which has bentonite, using the same process they use with drilling dams, a cut and cover, coffer dam on stream, like what was done in Milford and collapsed, creating serious problems. Pipeline drilling sends arsenic into rock siltation and could make the level of arsenic worse. There will be a direct impact on the water supply. The process is an industrial undertaking. The staging area is 150 to 200 feet wide and runs along more than 400 acres. The fields are mostly forest and will cause more flooding. The actual pipe is 36 inches wide, but they require additional area for access.

Mr. Tittle informed Mayor and Council and the members of the public present that it is critical to engage other municipalities in the process of intervening.

Jeff Tittle outlined ways to stop the process. He explained that there are key permits required for the pipeline to begin the process. The one is a 401 Certification which is a federal permit, Wetland Stream Encroachment Permit. Councilman Sanders asked for a chronological list of permits. Mr. Tittle stated that they are obtained simultaneously. FERC cannot give approval without the 401 Certification. They are currently meeting with Green Acres to obtain approval to utilize open space to install the pipeline. The draft EIS is out. The City must intervene and describe how this will affect the City; water, air, historic nature, etc.

Mike Spille of the Township of West Amwell stepped forward and gave the following overview:

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If you cross the bridge, step back and take a look at the skyline that is the proposed route of the pipeline. It runs downhill, seems minor but it is a big deal and encompasses steep slopes. We have experienced the microburst recently and when they clear cut the reservoir the City will experience more events like this caused by the removal of the forest.

Mayor DeVecchio commented that the City has a steep slope ordinance and asked of the Township of West Amwell had an ordinance governing steep slopes. Mr. Tittle responded that local zoning is exempted from FERC. Mayor DeVecchio commented that it is not exempted from DEP. Mr. Tittle stated that it was important for the City to identify all endangered species and referenced the Coastal Zone Management Act.

Mr. Spille continued on and informed the members of the public present that this pipeline will run parallel to Lambertville, cross Route 518, Route 179, and visitors to our community will go through an industrial site prior to entering Lambertville. They will bring in heavy trucks, we will experience erosion, the sedimentation will run downhill and this is only 20% of the issues. We will also experience noise pollution due to the heavy trucks and equipment constantly running.

Councilman Sanders asked if they were articulated to change the route. Mr. Tittle explained that the original route had issues with the right of way and invoked more fights over eminent domain. Councilman Sanders commented that the area of land disturbance is 150 wide plus earthmovers. Mr. Tittle explained that Mercer County experienced diesel spills, damages to the park and that was just during the testing phase.

Mayor DeVecchio nominated the following people to serve on a committee: Jeff Tittle, Mike Spille (Township of West Amwell), and Sue Begent, representing the City Council, Councilman Wardell Sanders, and representing the Environmental Commission, Gina Fischetti. He asked the members of the public if anyone was interested in serving. Numerous hands went up and Mayor DeVecchio asked for the names of the first two volunteers. Kelly Kappler and Kim Nage volunteered. Mayor DeVecchio informed the committee that he would like a monthly report on their findings to be presented at each of the regularly scheduled Council meetings. He committed to engaging the Water Company (Suez) to meet with the Committee and other public agencies who can also file to intervene.

Mayor DeVecchio asked for a motion to confirm his nominations. Council President Stegman made a motion confirming Mayor DeVecchio's nominations. Councilwoman Warner seconded the motion. An affirmative roll call vote was taken approving the committee by all members present. MOTION CARRIED.

The Mayor further informed the members of the public that he was asked if the City would file a motion to intervene out-of-time in response to PennEast Pipeline Company, LLC's application for certificates of public convenience and necessity and related authorizations. This would allow the City to be kept apprised of the developments and be given the opportunity to comment as this application moves forward. Mayor DeVecchio asked the Clerk to pass around the information on intervening.

Once Council members had a comfort level with the information presented, Mayor DeVecchio asked for a motion to authorize the City Clerk to file the motion to intervene out-of-time in response to PennEast Pipeline Company, LLC's application for Certificates of Public Convenience and Necessity and Related Authorizations.

Councilman Sanders made a motion to authorize the Mayor and City Clerk to file the motion to intervene. 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 Committee that they should also speak to representatives from the South Hunterdon Regional School District and the Lambertville Municipal Utilities Authority to serve as Interveners. Mr. Tittle explained that individuals could also become interveners. The process is simple and will take 10 minutes.

Sue Begent asked the Governing Body for a commitment for funding and partnering with other towns to fight the PennEast Pipeline. Mayor DelVecchio explained that we are seven months into our budget and cannot move money until November. He isn't prepared tonight to commit to funding.

Mayor DelVecchio asked the committee to let people know what groups are active and how to obtain information. He said the groups need a joint game plan.

Sue Begent commented that there are multiple CAP groups. We can't miss the September 12th deadline. Mayor DelVecchio committed to file the motion to intervene as soon as August 10th. He feels the number one issue is to meet with Suez to see what they know and what they are doing about the pipeline.

Mayor DelVecchio asked what the public can do. Mike Spille responded that they can attend the public meetings. It heavily impacted the last pipeline when over 300 people showed up to comment. The meetings are as follows:

August 22, 2016 in Bordentown with the State of New Jersey DEP;

September 7, 2016 at the Holiday Inn in Bordentown for the Flood Hazard Permit

Mayor DelVecchio thanked everyone for coming and for their comments.

ANNOUNCEMENTS.

MONDAY, SEPTEMBER 5, LABOR DAY: all city offices will be closed on Monday, September 5th for Labor Day. Third Can Food Waste will be picked up on Tuesday, September 6th.

FREE RABIES CLINIC will be held on Saturday, September 17 from 1 – 3 pm at the Union Fire House located at 230 North Main Street in the City.

HALLOWEEN PARADE will be held on Sunday, October 30, 2016 with step off at 3 pm at the corner of North Union and York Streets.

PUBLIC PARTICIPATION/PETITIONS OF CITIZENS AND PUBLIC DISCUSSION.

Shaaron Warne from Coryell Street commented that with so much political discord, it was nice to have the council on the same page. Everyone applauded.

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Mayor DelVecchio commented that the City will put the link to the Lambertville Citizens Against the Pipeline on the city's website.

Sue Begent asked all present who wanted to keep informed to see that Toni received their contact information before leaving.

ADJOURNMENT.

The meeting adjourned at 7:45 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 August 1, 2016 Special Session Minutes were approved by the Governing Body at the regularly scheduled session held on August 16, 2016 at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City of Lambertville.