



City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 7:00 p.m. and asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement:

"Adequate notice of the regularly scheduled voting session held on September 19, 2019, has been provided through the posting of the annual meeting schedule, by emailing notice to the Hunterdon County Democrat and the Trenton Times and to various individuals on the list serve in accordance with Section 13 of the Open Public Meetings Act."

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilman Sanders (arrived at 7:03 p.m.), Councilwoman Taylor, Council President Asaro, Mayor Fahl.

Absent: Councilwoman Warner.

PLEDGE OF ALLEGIANCE

Mayor Fahl led the public in the Pledge of Allegiance.

MOMENT OF SILENCE

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

APPROVAL OF MINUTES

Council President Asaro asked for a motion to approve the following sets of minutes: 09/19/19 Voting Session Minutes, 09-24-19 Special Session Minutes, 10-01-19 Work Session Minutes, and 10-01-19 Closed Session Minutes.

Councilwoman Taylor made a motion to approve the minutes and Mayor Fahl seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

APPROVAL OF THE BILLS LIST

Council President Asaro asked for a motion to approve the Bills List and the amended Bills List. Mayor Fahl made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS

Victor Timpanaro, honoring the Electrical Inspector for the City of Lambertville for his years of service.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 2

Mayor Fahl informed the members of the public present that after twelve years of service to the City, the electrical inspector is retiring at age 90. The City is celebrating with a retirement party and this proclamation will be given to him at the party.

Proclamation

WHEREAS, Victor Timpanaro has served as the Electric Sub Code Official for the City of Lambertville since 2007 when he was 78 years old; and

WHEREAS, he started his career in 1977 and has taught multiple inspector CEU classes for the State of New Jersey through Rutgers and continues to teach contractor CEU classes; and

WHEREAS, Victor just celebrated his 90th birthday and still climbs 40 feet ladders for rooftop solar inspections as long as the ladder is three feet above the roof and tied off; and

WHEREAS, his favorite place for breakfast is Sneddon's and his favorite place for Fish and Chips is the Lambertville Station; and

WHEREAS, Victor has served in local government in many capacities, including working as a Patrolman in Old Bridge, and

WHEREAS, Mr. Timpanaro is very devoted to his Church and religion and gives back to his Community in many ways.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that November 1, 2019 is hereby proclaimed Victor Timpanaro Day in the City of Lambertville.

BE IT FURTHER RESOLVED by Victor is hereby wished many years of happiness in his retirement.

ADOPTED: October 17, 2019

Mayor Fahl asked for a motion to adopt the proclamation honoring Victor Timpanaro. Councilwoman Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

RESOLUTIONS

CONSENT AGENDA: *The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.*

RESOLUTION NUMBER 129-2019: *A Resolution to Approve the Corrective Action Plan for the 2018 Audit.*

RESOLUTION NUMBER 129-2019

A Resolution to Approving the Corrective Action Plan for the 2018 Audit Prepared by the Certified Municipal Finance Officer

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 3

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the corrective action plan for the 2018 audit prepared by the Certified Municipal Finance Officer is hereby approved.

ADOPTED: September 19, 2019

RESOLUTION NUMBER 133-2019: *A Resolution to Approve the 2019/2020 Best Practice Inventory and to Authorize the Submission to the DCA.*

RESOLUTION NUMBER 133-2019

A Resolution to Approve the 2019/2020 Best Practice Inventory and to Authorize the Submission to DCA

WHEREAS, the State of New Jersey released the 2019/2020 Best Practice Inventory on September 10, 2019 with a due date for filing of October 30, 2019 for Municipalities on a Calendar Year; and

WHEREAS, the City Business Administrator, City Municipal Finance Officer, City Clerk and City Attorney all reviewed and completed the Best Practice Inventory; and

WHEREAS, the Mayor and City Council of the City of Lambertville, reviewed the Best Practice Inventory as completed with a final score of 36.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Certified Municipal Finance Officer and/or the Deputy Treasurer are hereby authorized to submit the 2019/2020 Best Practice Inventory for the City of Lambertville to the State of New Jersey, DCA through the platform created.

ADOPTED: October 17, 2019

RESOLUTION NUMBER 134-2019: *A Resolution to Authorized the Shared Services Agreement with the LMUA for Fuel Services with the City of Lambertville as the Lead Agency.*

RESOLUTION NUMBER 134-2019

A Resolution to Authorize the Shared Services Agreement with the LMUA for Fuel Services with the City of Lambertville Serving as the Lead Agency

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Mayor Fahl, the City Attorney and City Clerk are hereby authorized to sign the shared services agreement with the Lambertville Municipal Utilities Authority for the use of fuel at the City Garage beginning January 1, 2020 and ending December 31, 2020, is hereby authorized.

ADOPTED: October 17, 2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 4

RESOLUTION NUMBER 135-2019: *A Resolution to Authorize the Shared Services Agreement with the Lambertville Board of Fire Commission with the City of Lambertville as the Lead Agency.*

RESOLUTION NUMBER 135-2019

A Resolution to Authorize the Shared Services Agreement with the Lambertville Board of Fire Commission for Fuel Services with the City of Lambertville Serving as the Lead Agency

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Mayor Fahl, the City Attorney and City Clerk are hereby authorized to sign the shared services agreement with the Lambertville Board of Fire Commission for the use of fuel at the City Garage beginning January 1, 2020 and ending December 31, 2020, is hereby authorized.

ADOPTED: October 17, 2019

RESOLUTION NUMBER 136-2019: *A Resolution to Authorize the Redemption for Block 1002, Lot 53 in the Amount of \$25,340.84 for Tax Lien Certificate 170002 Plus a Premium in the Amount of \$15,000.00.*

RESOLUTION NUMBER 136-2019

A Resolution Authorizing the Redemption of a Tax Lien for Block 1002, Lot 53 In the Amount of \$25,340.84 Plus a Premium in the Amount of \$15,000.00

WHEREAS, Tax Lien Certificate 170002 issued on Block 1002 Lot 53 was sold to Christiana T C/F CE1/FirstTrust, First Trust Bank PO BOX 5021, Philadelphia, PA 19111 on 10/30/17 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from Unity Title Company.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Christiana T C/F CE1/FirstTrust, First Trust Bank PO BOX 5021, Philadelphia, PA 19111 for the redemption of tax lien certificate #170002 in the amount of: \$25,340.84

In addition, the City is holding a premium in the amount of \$15,000.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$25,340.84

Check 2= for premium= \$15,000.00

ADOPTED: October 17, 2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 5

RESOLUTION NUMBER 137-2019: *A Resolution Authorizing the Redemption of a Tax Lien for Block 1069, Lot 7 in the Amount of \$652.03, Plus a Premium in the Amount of \$5,800.00.*

RESOLUTION NUMBER 137-2019

A Resolution Authorizing the Redemption of a Tax Lien for Block 1069, Lot 7 In the Amount of \$652.03 Plus a Premium in the Amount of \$5,800.00.

WHEREAS, Tax Lien Certificate 19-00012 issued on Block 1069 Lot 7 was sold to Christiana T C/F CE1/FirstTrust, First Trust Bank PO BOX 5021, Philadelphia, PA 19111 on 08-15-2019 and

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

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Christiana T C/F CE1/FirstTrust, First Trust Bank PO BOX 5021, Philadelphia, PA 19111 for the redemption of tax lien certificate #19-00012 in the amount of: \$652.03

In addition, the City is holding a premium in the amount of \$5,800.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$652.03

Check 2= for premium= \$5,800.00

ADOPTED: October 17, 2019

RESOLUTION NUMBER 138-2019: *A Resolution to Authorize the Business Administrator to Execute the Contract with Scott Hengst for Professional Services with the Ditching Disposables Program in An Amount Not to Exceed: \$1,500.00.*

RESOLUTION NUMBER 138-2019

A Resolution to Authorize the Business Administrator to Execute the Contract with Scott Hengst for Professional Services with the Ditching Disposables Program in an Amount not to Exceed \$1,500.00.

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 Business Administrator is hereby authorized to execute the contract with Scott Hengst for Professional Services associated with the Ditching Disposables Program in an amount not to exceed \$1,500.00 paid for through the Sustainable Jersey Grant program.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 6

ADOPTED: October 17, 2019

RESOLUTION NUMBER 139-2019: A 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).

RESOLUTION NO. 139-2019

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)

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 \$3,500.00 - Drunk Driving Enforcement 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 2018 CY Budget in the amount of \$3,500.00 which item is now available as revenue from the receipt of the Drunk Driving Enforcement Grant.

BE IT FURTHER RESOLVED that a like sum of \$3,500.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Drunk Driving Enforcement Grant \$3,500.00

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: October 17, 2019

RESOLUTION NUMBER 140-2019: A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Discharge of Mortgage for Doris Zambello and Zambella for 55 South Main Street in An Amount Not to Exceed \$20,110.23 for two Separate Loans through the Small Cities Grant (July 1996 in the amount of \$2,485.23 and November 1998 in the amount of \$17,625.00).

RESOLUTION NUMBER 140-2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 7

A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Discharge of Mortgage for Doris Zambello and Doris Zambella for 55 South Main Street in an Amount not to exceed \$20,110.23 for two Separate Loans through the Small Cities Grant (July 1995 \$2,485.23 and November 1998 \$17,625.00)

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 Mayor, City Attorney and City Clerk are hereby authorized to sign the discharge of mortgage for the following loans granted to Doris Zambella and Doris Zambello of 55 South Main Street on the following dates:

- July 1995 in the amount of \$2,485.23
- November 1998 in the amount of \$17,625.00

ADOPTED: October 17, 2019

RESOLUTION NUMBER 141-2019: *A Resolution to Authorize the Increase in the Do Not Exceed Amount with Colgate for Recycling by \$18,000.00.*

RESOLUTION NUMBER 141-2019

A Resolution to Authorize the Increase in the Contract with Colgate for Recycling to \$18,000.00

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 contract with Colgate for recycling of city waste is hereby amended in an amount not to exceed \$18,000.00.

ADOPTED: October 17, 2019

RESOLUTION NUMBER 142-2019: *A Resolution to Authorize the Contract with the ACME Screening Room for the Film Series at the Justice Center for Three Years, plus Two One-Year Extensions.*

RESOLUTION NUMBER 142-2019

A Resolution to Authorize the Contract with the ACME Screening Room for the Film Series at the Justice Center for Three Years with the Option to Renew for Two Additional One-Year Extensions

WHEREAS, the City solicited for competitive contracts for the Films Series at the Justice Center; and

WHEREAS, one bid was received from the ACME Screening Room, and

WHEREAS, the City Attorney has reviewed the bid and has determined that it is responsive and responsible; and

WHEREAS, the City Business Administrator, City Clerk and the Mayor both participated in the review of the bid proposal and rated the proposal as an average of 8.5.

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 contract the ACME Screening Room for

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 8

the Film Series at the Justice Center for three years with two additional one-year extensions is hereby approved.

ADOPTED: October 17, 2019

RESOLUTION NUMBER 143-2019: A Resolution Authorizing Direct Install Program for the Purpose of Energy Efficiency Upgrades at Various City Buildings in An Amount Not to Exceed \$3,281.73.

RESOLUTION NUMBER 143-2019

**RESOLUTION AUTHORIZING DIRECT INSTALL PROGRAM FOR
THE PURPOSE OF ENERGY EFFICIENCY UPGRADES AT
VARIOUS CITY BUILDINGS**

WHEREAS, under the BPU's Clean Energy Program, the state offers a Direct Install Program to government, non-profit facilities and small businesses for the purpose of energy efficiency upgrades; and

WHEREAS In 2019, at the direction of the City Business Administrator and Environmental Commission, the City's facilities were evaluated as part of this program; and

WHEREAS, CMC Energy has identified and proposed upgrades to City Hall, Police, Justice Center, Snack Shack, and Public Library, and

WHEREAS The City only pays for 30% of the total project costs, and can finance those costs at a 0% interest rate over a period of 36 months; and

WHEREAS CMC Energy has offered the attached cost savings and cost proposal to the City, that total to a Year Five Profit/Loss of approximately plus \$22,578.89 to the City, with an additional \$8,400.28 savings for the Public Library for a total estimated savings to Lambertville taxpayers of \$30,979.17 over five years.

WHEREAS, CMC Energy has identified that these upgrades will reduce the City's energy consumption by approximately nearly 55,000 kilowatt hours per year, amounting to over 50,000 pounds (approximately) of CO2 emissions reduced annually.

WHEREAS the Chief Financial Officer has certified that funds will be encumbered from capital account C-04-18-006-00A; Improvements to City Buildings not to exceed \$3,281.73; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, Hunterdon County, in the State of New Jersey hereby authorizes the City Business Administrator to execute the necessary contracts to properly implement these projects.

ADOPTED: October 17, 2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 9

Council President Asaro noted that Resolution Number 144-2019 was a duplicate for 138-2019. Resolution Number 144-2019 was removed from the agenda.

Mayor Fahl noted that Resolution Number 133-2019 was to authorize the submittal of the Best Practice Inventory. The City Clerk informed the members of the Governing Body that a hard copy of the Best Practice Inventory was provided to them. Discussion ensued.

Mayor Fahl asked for a motion to approve Resolution Numbers 129-2019, and 133-2019 through 143-2019. Council President Asaro made the motion to approve the resolutions and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS – OTHER

Mayor Fahl has recused herself from all actions regarding Concord Engineering because of a conflict with her Employer.

RESOLUTION NUMBER 146-2019: A Resolution of the Mayor and City County of the City of Lambertville, County of Hunterdon, State of New Jersey, Authorizing the Signing of Government Energy Aggregation Program Agreements.

RESOLUTION NUMBER 146-2019

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE SIGNING
OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance Number 18-2019 adopted by the City Council of the City of Lambertville on September 19, 2019, the City publicly declared its intent to commence a GEA Program; and

WHEREAS, the Borough of Califon is the Lead Agency for the Hunterdon Area Energy Cooperative (HAEC) and shall accept or reject pricing on behalf of the Cooperative and its participant

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 10

members; and

WHEREAS, the City wishes to be a participating member of the HAEC and hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Borough of Califon accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and

WHEREAS, the Borough of Califon appointed Commercial Utility Consultants, Inc. (CUC) and Concord Engineering dba Concord Energy Services (CES) for the HAEC to serve as the Energy Agents to assist and administer the GEA program at no cost to the Borough of Califon or HAEC or its participating members; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Lambertville in the County of Hunterdon, New Jersey, duly assembled in public session, as follows: Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Chief Financial Officer, Treasurer or other Municipal Officer is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
2. The City of Lambertville, as a participating member of the HAEC, hereby agrees to proceed with the program by signing the Supplier Agreement should the Borough of Califon accept pricing which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program.
3. The Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the City of Lambertville any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction.

I HEREBY CERTIFY this to be a true and correct Resolution of the City Council of City of Lambertville, adopted on October 17, 2019.

ADOPTED: October 17, 2019

Council President Asaro asked for a motion to adopt Resolution Number 146-2019 authorizing the contract with Concord Engineering, the Contract with the service provider, and participation in the Coop. Councilwoman Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present, noting Mayor Fahl recused herself and did not participate. MOTION CARRIED.

ORDINANCES – FIRST READING

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 11

ORDINANCE NUMBER 27-2019: An Ordinance of the City Council of the City of Lambertville Authorizing the Acceptance of a Donation of a Portion of Real Property Identified on the Tax Map of the City of Lambertville as Block 1043, Lot 6 for Public Purposes.

Council President Asaro read the Ordinance into the record by title. She informed the members of the public present that this Ordinance is to accept the donation of Cavallo Park.

ORDINANCE NUMBER 27-2019

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE
AUTHORIZING THE ACCEPTANCE OF A DONATION OF A PORTION OF REAL PROPERTY
IDENTIFIED ON THE TAX MAP OF THE CITY OF LAMBERTVILLE AS BLOCK 1043, LOT 6
FOR PUBLIC PURPOSES**

WHEREAS, the State of New Jersey Department of Environmental Protection, Division of Parks and Forestry [hereinafter the “NJDEP” or “State”] contacted the City of Lambertville [hereinafter the “City”] regarding the donation of real property located within the Delaware & Raritan Canal State Park; and

WHEREAS, the NJDEP has offered the City to acquire a portion of real property identified on the official tax map of the City as Block 1043, Lot 6 and more commonly known as “Cavallo Park,” [hereinafter the “Property”] in fee for nominal consideration, subject to a permanent conservation easement or restriction and including a reverter prohibiting the future sale or transfer of the Property for non-parkland purposes; and

WHEREAS, on October 9, 2014, the City Council of the City of Lambertville [hereinafter the “City Council”] adopted Resolution 127-2014 [hereinafter the “Resolution”], which memorialized the City’s willingness to accept the Property from the State subject to certain conditions set forth in the “Deed With Restrictions and Reverter” for the Property [hereinafter the “Deed”]; and

WHEREAS, upon the conveyance of the Deed for the Property, the State will apply to the City’s Planning Board for the subdivision of Block 1043, Lot 6 to designate the Property (+/- 0.97 acres) as Block 1043, Lot 6.01; and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the NJDEP’s donation of the Property for public purposes; and

WHEREAS, the City is accepting the transfer of title to the Property consistent with its authority to accept a donation of land from the State for public purposes pursuant to the Local Public Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., and wishes to memorialize its authority to accept the Property consistent with law and pursuant to this Ordinance.

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

SECTION I: The City Council of the City of Lambertville hereby authorizes the acceptance of title to the Property for public purposes.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 12

SECTION II: Title to the Property shall be transferred by a Deed with Restrictions and Reverter and the Property shall be conveyed to the City, subject to all conditions of this Ordinance and as set forth in the Deed.

SECTION III: The City Council of the City of Lambertville hereby authorizes the acquisition of the Property subject to the following:

- 1) The State of New Jersey will make an application to the City of Lambertville's Planning Board for the subdivision of Block 1043, Lot 6, to designate the Property (+/- 0.97 acres) as Block 1043, Lot 6.01.
- 2) The Deed shall include a reverter clause from the City of Lambertville to the NJDEP in the event that the City deems that the remedial action has not met its objective of mitigating soil contamination to the appropriate remediation standards pursuant to N.J.A.C. 7:26D.
- 3) The Deed shall include a reverter clause from the City of Lambertville to the NJDEP in the event that the City deems that the remedial action activities uncover any unforeseen, objectionable and/or unreasonable costs, hazards and/or continuing maintenance issues and shall be contingent upon the City receiving the no further action letter from the NJDEP.
- 4) The Deed will include a permanent conservation easement or a restriction in a form acceptable to the New Jersey Economic Development Authority.
- 5) The Deed will include a reverter clause to the NJDEP prohibiting the future sale or transfer of the Property for non-parkland purposes.

SECTION IV: The Mayor, Business Administrator, and City Solicitor [hereinafter collectively referred to as "Authorized Persons"] are hereby authorized and directed to take any and all actions necessary to initiate and acquire fee simple title to the Property.

SECTION V: SEVERABILITY. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reasons, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

SECTION VI: EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Mayor Fahl asked for Council questions.

Councilwoman Taylor asked what contaminates were found at Cavallo Park. The City Clerk responded it was Beryllium and Lead.

Mayor Fahl opened it up for public questions.

Kim Klinger, 15 Clinton Street asked how long the City leased the property. The City Clerk responded that the lease dates back to the 60's.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 13

Mayor Fahl recognized Megan Ruff and the members of the Recreation Commission and the donor (Geoff Cook) for their work on the redesign of the park.

Kim Klinger asked if the park always has to stay like a park, dog park? The Mayor responded that it will be deed restricted.

Mayor Fahl asked for a motion to introduce on First reading Ordinance Number 27-2019. Council President Asaro made the motion to introduce Ordinance Number 27-2019. Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl informed the members of the public present that the public hearing is scheduled for November 26, 2019.

ORDINANCES – SECOND READING

ORDINANCE NUMBER 24-2019: An Ordinance of the City of Lambertville Amending Chapter XV, Section 15-1 of the City Code Entitled “Air BNB, Home-to-Go, Priceline, Hotel and Motel Room Occupancy Tax.”

Council President Asaro read the Ordinance into the record by title. She informed the members of the public present that this will allow the City to collect taxes on short term, transient rentals.

The Business Administrator commented that this ordinance is in line with State Statutes. We had to amend our ordinance to say “transient occupancy.” The ordinance has to be amended to collect the taxes from the State. Anyone that has a property that they use AIR BNB will pay an additional 3% in taxes as you check out from one of those services. The fee is paid to the State of New Jersey and then passed down to the City monthly. He further commented that this isn’t related, but dovetails. Landlord rentals, making sure all regulations are on the books the right way and that we are inspecting properties in the right way.

ORDINANCE NUMBER 24-2019

AN ORDINANCE OF THE CITY OF LAMBERTVILLE AMENDING CHAPTER XV, SECTION 15-1 OF THE CITY CODE ENTITLED “AIR BNB, HOME TO GO, PRICELINE, HOTEL AND MOTEL ROOM OCCUPANCY TAX”

WHEREAS, on September 17, 2018, the City Council of the City of Lambertville (the “City Council”) adopted Ordinance No. 15-2018, which regulates the rental and occupancy of rooms through providers such as Air BNB; and

WHEREAS, [Governor Murphy signed into law A4814/A4520/S3158 \(P.L. 2019 c. 235\) on August 9, 2019, which amends the existing transient accommodations law to limit the scope of transient accommodations that are considered taxable under the law under certain circumstances; and](#)

WHEREAS, [the City Council has determined that it is necessary to amend Chapter XV, Section 15-1 of the City Code revise certain language to comply with the change in the above-referenced law; and](#)

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 14

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

SECTION I: AMENDED SECTIONS. Chapter XV, Section 15-1 of the City Code of the City of Lambertville entitled "Air BNB, Home to Go, Priceline, Hotel and Motel Room Occupancy Tax" shall be amended and supplemented as follows:

§15-1.1 remains unchanged.

§15-1.2 "Tax Established" shall be amended as follows:

There is hereby established a Transient Occupancy Tax for the rental of transient accommodations obtained through transient space marketplaces, as defined pursuant to N.J.S.A. 40:48E-2, and which include, but are not limited to Air BNB, Home to Go, Priceline, Hotel and Motel in the City of Lambertville, and three (3%) percent on charges of rent for every occupancy of a hotel or motel room in the City of Lambertville, of a room or rooms, is hereby subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax).

§15-1.3 "Tax in Addition to Any Other Tax or Fee" shall be amended as follows:

The Transient Occupancy Tax for the rental of transient accommodations obtained through a transient space marketplace, as defined pursuant to N.J.S.A. 40:48E-2, shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.

§15-1.4 remains unchanged.

§15-1.5 "Collection of Tax" shall be amended as follows:

The tax imposed by Section 15-1 shall be collected on behalf of the City by the person collecting rent from the hotel or motel customer or the person collecting payment for rental of a transient accommodation obtained through a transient space marketplace. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the City shall be joined as a party in any action or proceeding brought to collect the tax.

SECTION II: SEVERABILITY. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reasons, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

SECTION III: EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCTION AND FIRST READING: September 19, 2019
PUBLIC HEARING AND SECOND READING: October 17, 2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 15

Council President Asaro opened the public hearing for Ordinance Number 24-2019 and asked for questions or comments from the Governing Body. There being no questions or comments from the Governing Body, Council President Asaro asked for public comments.

Nancy Anderson, 250 S. Franklin Street asked how much they take? Mayor Fahl responded that the full 3% comes back to Lambertville.

Councilman Sanders asked how AIR BNB would know the properties that are in our jurisdiction. The Business Administrator responded that the City gave them a list but there is probably some we haven't found. The City did go through the sites listed with the City Planner to identify those properties within our jurisdiction. However, there are times when an address isn't listed.

Kim Klinger asked if based the rental history, can the city estimate how much revenue we are looking at? The Business Administrator responded that it was difficult to estimate because of the variables on how many nights it is rented, seasonal rentals, etc.

Mayor Fahl commented that in 2018, Lambertville has 1.4 million in hotel sales which netted a quick bit of revenue for the City. This is something that over time we will assume won't balloon into 1.4 business model, but no one is turning their nose up.

Councilwoman Taylor commented that this is just adding transient rentals to an ordinance we already have on the books.

There being no further questions or comments, Mayor Fahl asked for a motion to closed the public hearing for Ordinance Number 24-2019. Councilman Sanders made the motion and Council President Asaro seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading granting final approval of Ordinance Number 24-2019. Council President Asaro made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 25-2019: An Ordinance to Amend the Lambertville City Code, 2014, Chapter II, Administrative Code, Article X, Department of Public Safety, to add Police Rules and Regulations.

Council President Asaro read the Ordinance into the record by title. She informed the members of the public present that this Ordinance is to amend the Administrative Code, Police Rules and Regulations.

ORDINANCE NUMBER 25-2019

An Ordinance to Amend the Lambertville City Code, Chapter III, Police Rules and Regulations

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 16

Article II Definitions

APPROPRIATE AUTHORITY.

Business Administrator of the City of Lambertville.

3-1 POLICE DIRECTOR.

3-1.1 Establishment.

There is hereby established the administrative position of Police Director, which individual shall be charged with the duties of supervising and directing the Police Department and such other duties and responsibilities as established by the Mayor and Council. (1990 Code § 3-5.1)

3-1.2 Appointment: Removal from Office.

- a. The Police Director shall be appointed by the Mayor with the advice and consent of the Council.
- b. The Police Director shall be appointed for a period of one (1) to three (3) years from date of appointment.
- c. The Police Director may be removed from office for cause defined as:
 1. Failure or neglect to perform the duties of Police Director as defined in this Article.
 2. Mental and/or physical incompetence to perform the duties of the position.
 3. Conviction of a felony.
- d. In the event of a vacancy in the position of Police Director, the Officer in Charge (OIC) of the Police Department shall perform the responsibilities of the Police Director until appointment of a successor.

3-1.3 Qualifications.

The person appointed to the position of Police Director shall be qualified by training and experience for the duties of his position, but in no event shall a person be appointed unless such person meets the following minimum qualifications:

- a. Citizen of the United States.
- b. Resident of New Jersey.
- c. A minimum of ten (10) years' experience as a member of a law enforcement agency, five (5) years of which shall have been in a supervisory and administrative capacity.
(1990 Code § 3-5.4)

3-1.4 Duties and Responsibilities.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 17

- a. The Police Director shall be the chief administrative and executive officer in the Police Department. He shall be responsible for the protection of lives and property in the City and for the organization and direction of all Police Department activities. He shall organize and direct the Police Department and issue such orders and give such instructions as he may deem necessary or proper from time to time in the administration and management of the Department. He shall coordinate efforts between the Police Department and the Municipal Court in their administrative and reporting functions. His work shall extend to planning, directing and controlling, through subordinates, the police patrol traffic functions. He shall have direct responsibility for activities in police investigation, vice control and internal security within the Police Department. The Police Director shall be responsible for recruiting and disciplining members of the Police Department and for counseling and training Police Department employees.
- b. The Police Director shall further specifically:
 1. Plan, organize, direct, supervise and review all activities of the Police Department.
 2. Coordinate the efforts of the Police Department with the court system.
 3. Prepare annual budget requests and recommendations for the Police Department and review all requests for expenditures.
 4. Plan and implement an ongoing program of training and education, subject to the approval of the Appropriate Authority, and may participate in the training of subordinates in the law and in the technique and procedures of the various functions, with particular attention to personnel at the supervisory level so that they will be fully apprised of current developments in law enforcement.
 5. To keep abreast of the public safety requirements of the City and formulate policies, procedures, written manuals and instructions for the Police Department responsive to determined needs.
 6. Supervise and direct all of the operations of the Police Department utilizing supervisory personnel in the Police Department.
 7. Establish work schedules, determine beats and shifts and make work assignments.
 8. Plan, organize, assign and direct all public safety operations with respect to personnel, equipment and buildings.
 9. Respond to the scene of major criminal activity and other major conditions that affect public safety, oversee Police Department operations and render technical and other support as appropriate.
(Ord. No. 2009-01 § 1)
 10. With recommendation of subordinate supervisors or on his own initiative, take or recommend disciplinary action in accordance with statutory provisions.
 11. Establish performance criteria for the Police Department as a whole, as well as its individual members, and to conduct periodic evaluations to assure compliance with those criteria.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 18

12. Recruit, examine and recommend candidates for positions in the Police Department in reference to appointments and promotions.
13. Shall prefer charges against and, in his discretion, pending a final hearing on the charges, suspend any officer or member of the Department and otherwise exercise control over all subordinates subject to law.
14. Attend meetings and public gatherings to explain the safety activities and functions and to elicit citizen support of police objectives.
15. Plan and supervise programs of crime and accident prevention for the community.
16. Work with community groups to foster community action related to public safety activities.
17. Establish and maintain relations with school, civic and private organizations to assure a full understanding of the public safety effort.
18. Provide technical public safety information to the Mayor and City Council, the City Clerk, Zoning Officer or other department heads when required.
19. Supervise effective programs for street lighting, signing and traffic control to ensure vehicle and pedestrian safety.
20. Take an active part in any land use proposals or studies which are or might be conducted for the City, so that adequate consideration is given to the present and future needs of the Police Department as well as to facilities and programs incidental to the function of the Department and the implementation of a program of preventative law.
21. Promote a close liaison with the various agencies of the City and to attend all meetings of the Mayor and Council when necessary to better coordinate the functioning of the Police Department with the work of all municipal agencies.
22. Regularly review the ordinances of the City dealing with public safety to assure their propriety with the prevailing public safety needs of the residents of the City.
23. Assist and cooperate with the Construction Office, Code Enforcement Officer, Board of Health, Public Works Director, City Clerk and Emergency Management Coordinator in the reporting and investigation of any alleged or possible violation of statute, municipal ordinance and/or lawful rule, regulation or order promulgated by those officers and prepare detailed investigation reports and testimony in connection with such alleged violations for use by these bodies and officials in persecutory or enforcement proceedings.
24. Meet, when requested, individually or jointly with the Construction Official, Code Enforcement Officer, Health Officer, Public Works Director, City Clerk or Emergency Management Coordinator for the purpose of discussing existing or anticipated problems and exchanging ideas concerning proposed solutions and keep himself informed about the current activities of these bodies which may involve his office.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 19

25. Submit monthly reports to the Appropriate Authority, summarizing police activity, crime and enforcement statistics and other relevant information impacting public safety. Periodically review existing policies and procedures, revise as necessary and implement new policies, procedures, general orders and other directives as required due to changing conditions and best operational or administrative practices. (Ord. No. 2009-01 § 2)

26. Coordinate, wherever possible, all facets of municipal government concerned with the public safety; strengthen the lines of communication between the local, County and State bodies concerned with law enforcement and public safety.

27. Perform related work as required.

(1990 Code § 3-5.5)

3-6 POLICE DEPARTMENT.

3-6.1 Creation of Department.

There is hereby created in the City a Police Department which shall consist of a Police Director, and such regular full-time or part-time members as will, from time to time, be deemed necessary and which the Appropriate Authority may appoint, to properly preserve peace and good order within the City of Lambertville. The City Business Administrator, or in the event of a vacancy, the Mayor, shall be designated as the Appropriate Authority as provided in the N.J.S.A. 40A:14-118. The Appropriate Authority shall be responsible for the overall performance of the Police Department and adoption and promulgation of rules and regulations governing the Police Department and the discipline of its members.

a. *Acting Appointment.* In the event that the Appropriate Authority determines the need to fill a supervisory position in either the rank of Lieutenant, Sergeant First Class or Sergeant due to either an open vacancy or establishment of a new position by the Mayor and City Council, he or she may appoint an Acting Lieutenant, Acting Sergeant First Class, or Acting Sergeant.

1. The acting appointee shall assume all of the duties and obligations of the acting supervisory position and shall receive the established compensation for said supervisory position.

2. The acting appointee may serve in the acting position until a regular competitive appointment can be accomplished through the Police Department's established promotional policy and procedure; but in no event shall an acting appointment exceed one (1) year. In the event, the acting appointee obtains a passing score on the formal promotional examination they may be permanently appointed to the respective supervisory position.

3. Acting Lieutenants, Sergeants First Class and/or Sergeants are considered probationary appointments and may be rescinded by the Appropriate Authority for any lawful reason. If such acting position is so rescinded the appointee will revert back to his previously held title in the Police Department.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 20

3-6.2 Duties of Members.

Duties of the members of the Police Department shall be those prescribed by the Laws of the State of New Jersey, the ordinances of the City of Lambertville and the Rules and Regulations which may be established by the Appropriate Authority of the of the Department.

3-6.3 Qualification for Members of the Police Department.

No person shall be appointed a member of the Police Department unless he or she has the following qualifications:

- a. Is a citizen of the United States;
- b. Is sound in body and in good health sufficient to satisfy the Board of Trustees of the Public Employees Retirement System of New Jersey as to his eligibility for membership in the Retirement System;
- c. Is able to read, write and speak the English language well and intelligently;
- d. Is of good moral character, and has not been convicted of any crime involving moral turpitude; and
- e. Shall meet the age, residence and other requirements as established by law.

(1990 Code § 3-6.3)

3-6.4 Rules and Regulations.

- a. A Police Department has been established pursuant to municipal ordinance pursuant to authority vested in the Governing Body as stated in the New Jersey Statutes Annotated, Title 40A.
- b. The Appropriate Authority shall establish and may, from time to time, amend and repeal such rules and regulations as deemed necessary for the governance and efficient working of the Police Department. These rules and regulations shall govern the conduct of police officers and contain policies to be followed by police officers in responding to the general public, criminal activities and related matters.
- c. The rules and regulations, as currently in force, shall be posted permanently on a bulletin board in the Police Headquarters and at least two (2) copies shall be filed with the City Clerk and be available for public inspection. A copy of these rules and regulations shall be issued to all employees of the Police Department.
- d. Any amendment to the rules and regulations shall be filed with the City Clerk. The Appropriate Authority shall also distribute notice of such amendment to the members of City Council, however, any new or amended rules and regulations shall be effective upon their filing with the City Clerk. A copy of any amended rules and regulations shall be posted on the bulletin board in Police Headquarters, available for public inspection in the City Clerk's Office and issued to each member of the department within five (5) days after adopted.
- e. Members of the Police Department shall at all times observe the rules and regulations promulgated pursuant to this subsection. Such rules and regulations shall be dispositive of all matters not set forth in this Code in relationship to incapacity and misconduct of members as well as all other areas of behavior, procedures and organization. Any action taken against any officer pursuant to N.J.S.A.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 21

40A:14-147 et seq. shall be based on the rules and regulations promulgated pursuant to this subsection. No charge shall be brought against any officer for violation of any rule or regulation or amendment thereto which has not been duly promulgated, posted and delivered as herein required.

3-6.5 Reserved.

(Ord. No. 96-02 repealed the position of Chief of Police. All references to the Chief of Police shall mean Police Director.)

3-6.6 Probationary Period; Permanent Appointment; Removal or Suspension.

A police officer shall be deemed to be a probationary employee for the first twelve (12) months of his appointment, during which time he or she may be terminated without cause or hearing. Upon satisfactory completion of twelve (12) months of employment and successful completion of a police training course at an approved school, the police officer shall be deemed a permanent member of the Lambertville Police Department. Except as otherwise provided by law, all persons appointed to positions in the Police Department shall hold office during good behavior and efficiency and no permanent officer of the Department shall be removed or suspended from office or employment, or fined, or reduced in rank, for any cause other than incapacity, misconduct or disobedience of the Rules and Regulations established for the management of the Police Department, and then only upon a written complaint setting forth the charge or charges against such member or employee and a hearing as prescribed by law. (1990 Code § 3-6.6)

3-6.7 Vacancies.

Any vacancies existing in the Police Department shall be filled at the discretion of the Appropriate Authority. Procedures for appointment shall be in accordance with appropriate State Statutes and the Rules and Regulations of the Police Department of the City of Lambertville. The appointment or termination of all Police Department employees shall be the prerogative of the Appropriate Authority. The eligibility list resulting from the appointment procedures, in the discretion of the Appropriate Authority, shall be active for a period of two (2) years and subsequent vacancies shall be filled from that list

3-6.8 Special Officers.

The Appropriate Authority may appoint special officers in accordance with the Laws of the State of New Jersey and for term not exceeding one (1) year. They shall have and exercise all powers as provided by the law during the performance of their duties, but shall not be considered as regular/permanent members of the Police Department and shall not be entitled to tenure or other benefits of the Department. They may be suspended or recommended for dismissal from the Department at any time at the discretion of the Police Director and they shall receive such compensation as may be fixed by the Mayor and Council.

3-6.9 Promotional Testing.

Promotional testing shall be administered in accordance with appropriate State statutes and procedures established in the Rules and Regulations of the Lambertville Police Department. (1990 Code § 3-6.9)

3-6.10 Decrease in Personnel for Economy Purposes.

When the Mayor and Council shall, for reasons of economy, find it necessary to decrease the number of members of or employees in the Police Department or of any grade or rank thereof, the Mayor and Council shall proceed in the following manner:

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 22

- a. If the Governing Body shall determine to decrease the number in any of the higher ranks or grades of the Police Department it shall provide such instruction by resolution to the Appropriate Authority who shall as necessary demote such member or employee or members or employees, of such higher rank or ranks to the next rank below. It shall not remove any such member or employee from such Department for reasons of economy except as hereinafter provided, and in any such demotion from the higher rank or grade, the member or employee to be demoted shall be the last one so appointed to such higher rank or grade. All dismissals or removals from the Department for reasons of economy shall be made from the last person or persons appointed to the Department, regardless of the rank of such person at the time of decreasing the number of employees.
- b. If any officer, employee or member of the Police Department shall be demoted to a lower rank or grade for reasons of economy, such member or employee shall be carried on a special list, and when promotions are made to such higher rank or grade, the person demoted on the ground of economy shall be the first to be restored to the rank from which he was demoted.
- c. If any member of or employee in the Police Department of the City of Lambertville has been, since January 1, 1986, demoted or removed on the ground of economy and for no other reason, in the case of new appointments to the Department, the person so demoted or removed on the ground of economy shall be the first to be reinstated to such Department and to the rank from which he or she was removed, if such rank is retained in the Department in the order of his seniority of service when of equal rank.

3-7 PROCEDURES FOR EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.

- a. Any person or entity wishing to receive police services which the City of Lambertville is not obligated or expected to provide as part of the regular plan of police services or pursuant to its normal provisional services for traffic control at special events, may arrange to receive such services through the Office of the Police Director. Any person or entity disturbing the streets or roadways or altering the normal pattern of traffic within the City of Lambertville shall obtain a certificate from the Office of the Police Director noting that police services have been arranged or in the alternative that such services are not required. The opinion of the Director of Police shall be final.
- b. Except for unusual circumstances, all requests for such services shall be made at least fifteen (15) days in advance and in writing citing the nature of the duties to be performed, the location thereof, the dates and hours of service, the basis of payment for such service and payment in advance for the requested time.
- c. The Office of the Police Director shall administer all activities pursuant to this section.
- d. All officers of the Lambertville Police Department are authorized to perform police related services for private persons or entities on off-duty hours subject to the terms of this section. All assignments for outside services shall be on a voluntary basis.
- e. The party who made arrangements for such services shall notify the Lambertville Police Department a minimum of two (2) hours in advance of the scheduled start time or the party will be responsible for a minimum charge of two (2) hours service per individual.
- f. The charge for such services shall be based on the hourly rates as established annually by the current Collective Bargaining Agreement. Such rate shall include the hourly rate of the officer working plus a sum representing a reasonable approximation of the administrative cost, overhead and out of pocket expenses

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 23

for equipment and supplies to the City of providing the service and shall be equal to thirty (30%) percent of the hourly rate established. All payments for such services shall be made to the City of Lambertville.

The fee for services of off-duty officers shall be fifty-five (\$55.00) dollars per hour with forty-five (\$45.00) dollars to be paid to the officer. (Ord. No. 2003-05; Ord. No. 2005-14; Ord. No. 2009-09; Ord. No. 20-2014)

g. Payment to the officer shall be made by the Chief Financial Officer pursuant to the contract with the Lambertville Police Department (Hunterdon County Police Benevolent Association Local Number 188). (1990 Code § 3-7; Ord. No. 2009-20)

3-8—3-9 RESERVED.

INTRODUCTION AND FIRST READING: September 19, 2019

PUBLIC HEARING AND SECOND READING: October 17, 2019

Council President Asaro opened the public hearing for Ordinance Number 25-2019 and asked for public comments or questions.

Stephanie Moss of Delevan Street asked if the police department would report to the Business Administrator. Mayor Fahl responded yes.

Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 25-2019. Council President Asaro made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to adopt on seconded reading Ordinance Number 25-2019. Council President Asaro made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 26-2019: An Ordinance to Amend the Lambertville City Code, 2014, Chapter IV, Police Regulations, Adding Section 16, Peace and Good Order.

Council President Asaro read the Ordinance into the record by title. She informed the members of the public present that this Ordinance will give the Police Department and the Court additional avenues to use for public nuisance.

ORDINANCE NUMBER 26-2019

An Ordinance to Amend the Lambertville City Code, 2014, Chapter IV Police Regulations, Adding Section 16, Peace and Good Order

NOW THEREFORE BE IT RESOLVED, that the Lambertville City Code, 2014, Chapter IV, Police Regulations is hereby amended to include the following:

§ 4-16.1 Peace and Good Order

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 24

Prohibited acts.

No person, shall within the City of Lambertville:

A. Be loud, unruly, unmanageable, riotous, uncontrollable or disorderly in any public place or quasi-public place so as to cause a disturbance or annoyance to neighbors, adjacent property owners or other persons within a reasonable proximity;

B. Cause or permit to be emitted any vile, offensive, obnoxious or nauseating odor;

C. Willfully or maliciously ring or sound or cause to be rung or sounded any bell, siren or other alarm to give false impression of a fire or emergency;

D. Appear on any street, road, avenue, park or other parks, including in vehicles parked on the same in a state of nudity.

E. Remove or interfere with or disturb any lantern, warning signal, obstruction or barricade lawfully placed in or across any public street by a public authority, its contractors, agents, servants or employees.

F. "Cause damage to public property, including, but not limited to, playgrounds, government buildings or driving on park property."

§ 4-16.2

Definitions.

As used in the chapter, the following terms have the following meanings:

PERSON

Wherever appropriate in connection with the context, includes corporation, partnership, association and individual and shall include the plural.

§ 4-16.3

Violations and penalties.

Unless otherwise provided by law, any person violating this section shall, upon conviction, be liable to the penalty as stated in Chapter I, Section 1-5. (1990 Code § 4-7.3)

INTRODUCTION AND FIRST READING: September 19, 2019

PUBLIC HEARING AND SECOND READING: October 17, 2019

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 25

Mayor Fahl opened the public hearing for Ordinance Number 26-2019 and asked for Council comments.

Councilwoman Taylor asked about noise? The City Attorney responded that there is a separate ordinance on the books that defines noise.

Mayor Fahl asked for public comments:

Michael Heffler, 504 Titus Road commented about the noise those residing in Lamberts Hill hear every morning when people run up and down the stairs and yell to support each other. He asked if this would address that. The City Attorney commented potentially. He said he was hesitant to go through hypothetical situations. This is to give the entire criminal justice options to cite certain things. This might rise to a 2C violation; maybe the police office exercise discretion when you have a local ordinance to cite them for things. The local Prosecutor could plea bargain down. Councilwoman Taylor asked, from a resident standpoint, if something is going on, they could make the call and leave it up to the police to figure out what to do. The City Attorney responded that typically when people call the police you rely on your police and court system to make the decision on the best way to proceed.

Lt. Brown responded that instead of making an arrest, spending two hours processing the individual, they could issue an ordinance violation on the spot so we aren't tying up the department for two hours. This gives the officer latitude.

Mayor Fahl commented that this provides further discretion at all levels. This first was brought to her attention by Lt. Brown who noticed other towns had similar ordinances to bring out the efficiency on how they are enforced.

Judy Gleason, 86 North Union Street commented that she was concerned for the lack of clarity for people like us. She asked who decides what loud is, quasi-public, annoyance, disturbance, neighbor could be annoyed. I don't know what I am ... discretion sometimes is not applied entirely even handedly and the person that gets called in doesn't know what it meant. Have we defined these things? Are these terms defined somewhere or do we believe that loud, unruly, disorderly all mean the same thing? Do we have definitions? Mayor Fahl asked if we needed to define what loud is? The City is a dense and crowded place. Every citizen has a level of their own discretion before they call the police. All this is doing is giving some level of discretion once the police have been called to issue an ordinance violation rather than arrest someone.

The Business Administrator commented that the question is not defining any of these words; it is defining an intervention that the police can use. The question should be, "am I being a disorderly person," this is providing something different than arresting, giving them a local ordinance violation that doesn't require us to tie up a police officer's time.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 26

Councilwoman Taylor responded that the question is “can this be enforced unfairly? The Business Administrator responded the question isn’t changing the goal post on that, it is not creating a new range on a legal activity, it is providing a legal intervention.

Judy Gleason commented that she is not questioning the larger approach, she said the way it has been written makes it pretty sweeping, the definition of loud ... people may say I don’t think it was loud.

Mayor Fahl commented that she was satisfied with the way it was written and that other municipalities are currently doing this. This will give the police more discretion with the process.

A member of the public commented that she agreed with Ms. Gleason and it is subjective as far as loud. It has to be black and white. The old brewery, they are out there at 3 am when it snows and its loud to me. Instead of using a shovel, they blow the snow. The City Attorney responded that the issue arose from the criminal justice system; from former Judge Cushing and Lt. Brown. The language has been used successfully in other towns.

Councilman Sanders commented he understands the public view. He asked if it is something, we can look at later on. The law doesn’t always benefit from precise measurement. If it was a speeding violation then yes, it is subject to a clear measurement. Other things require measures and an appropriate use of discretion.

Mayor Fahl asked for a vote to close the public hearing for Ordinance Number 26-2019. Council President Asaro made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to adopt Ordinance Number 26-2019 on second reading, granting final approval. Council President Asaro made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

BIKE/PED GRANT

Mayor Fahl informed the members of the public present that the Feder TAP grant awarded to the City in the amount of \$150,000 for the Bike Lambertville and GoHunterdon was approved to move onto the bidding process. This grant will improve the roadways, provide trash cans along the canal, kiosks, help with dog waste. She congratulated Bike Lambertville and GoHunterdon and said she is looking forward to looking at the final plans.

ADMINISTRATIVE REPORT – Business Administrator

The Business Administrator gave the following update to the members of the public present:

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 27

Lambertville Downtown Great Places Award: the American Planning Association named the City of Lambertville along with Morristown, Clinton, Frenchtown, as one of the Downtown Great Places.

Energy Efficiency Upgrades: The City contracted for Direct Install Energy Efficiency through the BPU for municipal government and schools. The energy upgrades are for HVAC or lighting. The municipality pays 30% over a five-year period. All upgrades will save 55,000 Kilowatt hours of energy and save about \$31,000 in reduced cost. The entire cost is only a couple thousand dollars and the savings will be with the lower utility bills.

Lambertville Matters newsletter: you can sign up for the electronic version through the city's website. The newsletter will be mailed quarterly. The City is working to print it in Spanish and the plan is to leave them in the municipal buildings. The Business Administrator thanked everyone for submitting an article.

Trex/Plastic Bag Recycling Bag Update: The Business Administrator thanked Liz Magill Peer for her help with the program. So far, the City has collected 300 pounds out of the 500-pound goal.

Trash/Recycling/Food Waste: The City has had some staffing issues. Our public Works Department includes the Director, four full-time staff members and is supplemented by four part-time staff members who work 20 to 25 hours each week. They are part of the Department of Corrections and are in a residential release program. They come and do trash pick-up. The last couple of weeks, the program fell apart. We drive to Trenton, come back to Lambertville, go out on the truck and then we drive them back to Trenton. We often don't find out until the day we go to pick them up that there isn't anyone available. A couple of thoughts, the public to be aware this is a growing problem and we have gone one full week without part-time staffing. This cut public works staffing in half and is a huge strain over the last couple of weeks. We are trying to figure out the next steps and are coming to a permanent solution with permanent part-time staff.

Mayor Fahl commented that the City has received a lot of phone calls about the street sweeper and she understands how frustrating this is to move your car and then not have the sweeper run. However, we have been totally crushed and it is hard to describe how hard the staff at public works has been working. We are still trying to provide the basic service with trash, recycling, food waste with half the staff. The City staff sucked up the work and strain, the other maintenance projects have fallen to the bottom of the list.

The Business Administrator commented that the City has found a local farmer to possibly use for the Food Waste/Third Can Program. DEP is not set up for this. The Food Waste program is innovative, cutting edge, but State Statutes haven't kept up with

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 28

what people want to do. We are trying to figure out the right way to fit in a program. Currently we use Waste Management for our Food Waste Pick-up.

2020 Budget Process Update: Mayor Fahl informed the members of the public present that November is Budget Month! There will be an extra working session during November to give department heads an opportunity to present their budget to the members of the public. The Business Administrator has been working on a six-year capital plan. This is a much more transparent budget process. The Mayor informed the members of the public present that she has been giving fire-side chats that are on Facebook and focus on the budget process. This is a significant change from prior years and focus on the financial issues between now and 2025. She has completed two in people's homes, they invite neighbors and so far, she has been at Lamberts Hill HOA Meeting, and then Woodcrest HOA last night. Three more are scheduled. They have been well attended and she plans to schedule a couple more.

The Business Administrator informed the members of the public present that most department heads have submitted their budget information. He is in the process of organizing and prepping for presentations.

Clinton II Resurfacing Update: The Business Administrator informed the members of the public present that the city is finalizing the date to mill and pave Clinton Street Phase II and anticipate it will happen mid-November. They are starting with other work on October 21st and notices were handed out today. They asked to have cars moved for access restrictions. We are under the original budget for the project. A member of the public commented that he received the notice today and it is unclear on when the project is starting and then it says no parking during the process. It's confusing. Mayor Fahl commented that the City tried to over communicate, the project has been drawn out. It is confusing and contentious. The City held the preconstruction meeting on Wednesday and we immediately sent out notices today to everyone. We are going to be over communicating and will work diligently to make it clearer.

Irene Rudolph commented that it was ambiguous and asked if the sidewalks would be replaced. There are a lot who opted out and she asked to see the final plans. The Business Administrator said the sidewalks and curbing haven't been finalized yet. His expectation is that nothing will happen without a notice to property owners about that at a very minimum.

Mayor Fahl commented that the plans were the Cadillac and it drove extreme costs over \$500,000. The opt in/opt out ala cart menu is not possible without extreme expense to the City and tax payers. After the public meeting, the City met with the Engineer and we are only looking to fix the things that are significant need of fixing.

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 29

Joanne of 29 Clinton Street asked what trees are being removed. Mayor Fahl commented that two trees are being removed. One is at the corner of Delaware and Clinton and the other is at the corner of Buttonwood and Clinton. They are being removed for drainage. Discussion about the tree removal ensued.

ANNOUNCEMENTS

ANNUAL HOUSE TOUR: The annual House Tour sponsored by the Historical Society will be held on Sunday, October 20. For additional information please visit the following website: <https://lambertvillehistoricalsociety.org/2019-autumn-house-tour>

HALLOWEEN PARADE: The annual Halloween Parade will be held on Sunday, October 27. For additional information, please visit: www.lambertville08530.org

PET PARADE: The annual Pet Parade will be held on Saturday, October 19 with a rain date of Sunday, October 26.

JUSTICE CENTER PARKING: Space Number 35 is available for lease at the Phillip L. Pittore Justice Center. The fee is \$55 per month. Please call Shelley at 609-397-0110, ext. 12 for additional information.

ONGOING PROJECTS

LMUA Force Main and Swan Creek Flood Gates

CONSTITUENT CONCERNS/NEW BUSINESS

None.

CORRESPONDENCE

BOROUGH OF TINTIN FALLS: Resolution to support R-19-149 Supporting Referendum.

AMERICAN LEGION TOSCANNI POST #120: Invitation to participate in the Veterans Day Services scheduled for November 11, 2019 at 10:45 AM.

PUBLIC PARTICIPATION/PUBLIC CONCERN

Mayor Fahl asked for public comments.

There being no public participation, Mayor Fahl asked for a motion to go into closed session.

CLOSED SESSION: The Governing Body will go into Closed Session to discuss matters related to COAH (attorney-client and litigation matter).

RESOLUTION

“Authorizing a Closed Session at the October 17, 2019 Voting Session of the Lambertville City Council Meeting to Discuss COAH Matters (attorney-client and litigation matter)”

City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, OCTOBER 17, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
MINUTES
Page 30

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 October 17, 2019, in the Phillip L. Pittore Justice Center, located at 25 South Union Street, Lambertville, to discuss the following matters: *COAH Matters (attorney-client and litigation matter)*.

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: October 17, 2019

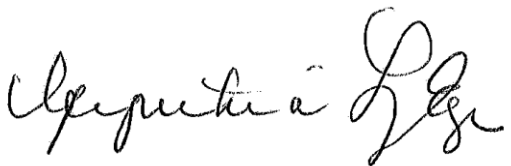
Mayor Fahl and City Council convened in closed session at 8:11 p.m. with a motion made by Councilman Sanders and seconded by Council President Asaro. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 8:58 p.m. with a motion made by Council President Asaro and seconded by Mayor Fahl. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 8:58 p.m. with a motion made by Council President Asaro and seconded by Councilwoman Taylor. 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 October 17, 2019 Voting Session Minutes were approved at the November 26, 2019 Voting Session.