

<p>MEMBERS ALEX BETHEA MARGE CALDWELL-WILSON ZACHARY A. CHESTER DUNCAN W. HARRISON, JR. PHYLLIS HOLLY-WARD GEORGE P. MUSCHAL VERLINA REYNOLDS-JACKSON</p>		<p>CITY COUNCIL OFFICE: (609) 989-3147 FAX: (609) 989-3190</p> <p>CITY CLERK OFFICE: (609) 989-3187 FAX: (609) 989-3190</p>
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**TRENTON CITY COUNCIL
CONFERENCE SESSION**

TRENTON CITY HALL
COUNCIL CONFERENCE ROOM
TUESDAY, FEBRUARY 17, 2015 AT 5:30 P.M.

A G E N D A

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Laws 1975, Chapter 231. The Agenda for this meeting was sent to the Trenton Times Newspaper, posted on the first floor bulletin board in City Hall, and filed in the City Clerk's Office on February 13, 2015.

- I. CALL TO ORDER
- II. ROLL CALL
- III. DOCKET REVIEW
Appearances: Terry McEwen, Business Administrator
David Minchello, Esq., Law Director
Francis Blanco, Chief of Staff
Jacqueline Foushee, Director, PW
James Brownlee, Director, H&HS
Ron Zilinski, Director, Finance Department
- IV. CIVIC MATTERS
- V. ADJOURNMENT

ACTION MAY BE TAKEN AT THIS MEETING

Zachary A. Chester, Council President

DOCKET
THURSDAY, FEBRUARY 19, 2015

1. COMMUNICATIONS AND PETITIONS

- 1a Civil Action Taxpayer Complaint Local Property Tax – The Holy Trinity Baptist Church vs. the City of Trenton
- 1b Tort Claim Notice for Damages Other – Filed by Garry R. Salomon, Davis, Saperstein & Salomon, P.C., 375 Cedar Lane, Teaneck, NJ, Representing – The Estate of Rodney G. Burke vs. Greater Trenton Behavioral HealthCare, City of Trenton, et. al.
- 1c Tort Claim Notice for Property Damage – Filed by Stephanie Lynn Dobron, 11 Belfast Court, Hamilton, NJ – Against the City of Trenton.
- 1d Civil Action Summons Residential Mortgage Foreclosure Complaint – Filed by Sheera G. Engrissei, Esquire, McCabe, Weisberg & Conway, P.C., 216 Haddon Avenue, Suite 201, Westmont, NJ – representing New Jersey Housing and Mortgage Finance Agency vs. Antione Nelson, Monica Nelson, City of Trenton, et. al.
- 1e Tort Claim Notice Addendum for Property Damage – Filed by Rita Binderiene, 999 Greenwood Avenue, Floor #2, Trenton, NJ –ACR Car Services receipt for repair paid in full.
- 1f Civil Action Summons Complaint in Foreclosure – Filed by Kristina G. Murtha, Esquire, 701 Market Street, Suite 5000, Philadelphia, PA, 19106, representing – New Jersey Housing & Mortgage Finance Agency vs. Jean Wilkins and Mr. Wilkins, City of Trenton
- 1g Civil Action Summons Complaint in Foreclosure – Filed by Lauren M. Steins, Esquire, 701 Market Street, Suite 5000, Philadelphia, PA, representing – New Jersey Housing & Mortgage Finance Agency vs. Tbarley J. Wleh and Choloplay Juan Wleh a/k/a Choloplay Juah Wleh, Mrs. Choloplay Juan Wleh, wife of Choloplay Juan Wleh a/k/a Choloplay Juah Wleh, Mrs. Tbarley J. Wleh, wife of Tbarley J. Wleh, City of Trenton, American Trading Company.
- 1h Civil Action Summons Complaint – Filed by Geoffrey Smith, Esquire, Shapiro & DeNardo, LLC, 14000 Commerce Parkway, Suite B, Mt. Laurel, NJ, representing PNC Bank, N.A. vs. Angel V. Cepeda a/k/a Angel Cepeda and Mrs. Angel V. Cepeda, His Wife; The City of Trenton; State of New Jersey.
- 1i Civil Action Complaint in Foreclosure – Filed by Paul W. Luongo, Esquire, 701 Market Street, Suite 5000, Philadelphia, PA, representing New Jersey Housing and Mortgage Finance Agency vs. Trudsel Rolle and Mr. Rolle, husband of Trudsel Rolle, Beneficial New Jersey, Inc.. d/b/a Beneficial Mortgage Company.
- 1j Civil Action Order Granting Leave to File Third Party Complaint – Filed by E. Ryan, Attorney, Law Office of Gerard M. Green, 200 Schulz Drive, Suite 405, Red Bank, NJ, representing Candida Delao DeSalas vs. Alma Trenton, LLC, Alma Realty Corporation t/a Luther Towers; HWI Global Properties; vs. City of Trenton and City of Trenton Shade Tree Commission and/or City of Trenton Shade Tree Bureau, et. al.
- 1k Township Manager Medford Township, Burlington County, New Jersey – Recruitment Notice.
- 1l Mercer County Planning Board Meeting Notice for February 11, 2015.
- 1m NJDEP Receptor Evaluation for PSE&G Former Chauncey Street Gas Works, 11-13 Chauncey Street, Trenton, NJ.
- 1n Trenton Zoning Board of Adjustment Meeting Notice, February 18, 2015, at 7:00 pm.
- 1o Tort Claim Notice filed by Christopher M. Pyne, Esquire, Stark & Stark, 993 Lenox Drive, Lawrenceville, NJ, representing Azaria Diggs (minor) – Against the City of Trenton.

- 1p Tort Claim Notice of Other Damages filed by Daniel E. Chase, Esquire, Hartsough Kenny Chase, 3812 Quakerbridge Road, Hamilton, NJ, representing – Beverly Beatty, 674 North Clinton Avenue, Trenton, NJ, - Against the City of Trenton.
- 1q Tort Claim Notice filed by Christopher M. Pyne, Esquire, Stark & Stark, 993 Lenox Drive, Lawrenceville, NJ, representing – Victoria Horrocks, - Location of Accident – Wyndham Hoel Parking Garage, Trenton, NJ.
- 1r Civil Action Taxpayer Complaint – Jeffrey D. Gordon, Esquire, Archer & Geiner, P.C., 101 Carnegie Center, Suite 300, Princeton, NJ 08540, representing Woodrose Transit, LLC vs. Trenton City.
- 1s Civil Action Order Entering Default Out of Time – Jeannette J. O’Donnell, Esquire, Powers Kirm, LLC, 728 Marne Highway, Suite 200, Moorestown, NJ, representing New Jersey Housing and Mortgage Finance Agency vs. Tyrone Washington, et. al.
- 1t Proposed amendment to the Mercer County District Solid Waste Management Plan.
- 1u Civil Action Summons Complaint for Quiet Title to Real Property – Carol Rogers Cobb, Esquire, McCabe, Weisberg & Conway, PC, 216 Haddon Avenue, Suite 201, Westmont, NJ, representing – Nationstar Mortgage, LLC. vs. City of Trenton, Hunters Glen Apartments and Capital One Bank.
- 1v Civil Action Summons Foreclosure Complaint – Shirely E. Pimm, Esquire, Phelan Hallinan & Diamond, PC, representing – Wells Fargo Bank vs. Ernest F. Alexander, Mrs. Ernest F. Alexander, his wife; Murtis F. Alexander; Mr. Alexander, husband of Murtis F. Alexander, City of Trenton, et. al.
- 1w Civil Action Summons – Shirley E. Pimm, Esquire, Phelan Hallinan & Diamond, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ, representing First Guaranty Mortgage Corporation vs. Lakesha Monique Reaves; Mr. Reaves, husband of Lakesha Reaves; City of Trenton, et. al.
- 1x NJDEP Public Notification and Outreach for 301 North Clinton Avenue, Trenton, NJ.
- 1y NJDEP Soil Remedial Action Permit for PSE&G former Brunswick Avenue Facility, New York Avenue and Sylvester Street, Trenton, NJ
- 1z Civil Action Request to Enter Default and Certification – filed by Jeanette F. Frankenberg, Esquire, Stern Lavinthal & Frankenberg, LLC, 105 Eisenhower Parkway, Suite 302, Roseland, NJ, representing Federal National Mortgage Association vs. Vondalier C. Square, individually and as Executrix of the estate of Velma E. Wilkins; Elmer J. Square, Jr., his wife; Valencia Y. Square Bellamy; City of Trenton, et. al.
- 1aa Tort Claim Notice for Property Damages filed by David V. Jones, Jr., 118 Lee Avenue, Trenton, NJ – Against the City of Trenton.
- 1ab Civil Action Taxpayer Complaint filed by Bruce Schragger, Esquire, Schragger, Schragger & Lavine, 133 Franklin Corner Road, Lawrenceville, NJ, representing - Four Twenty-five Greenwood, Inc., (212-220 South Clinton Avenue) Trenton, NJ vs. The City of Trenton.
- 1ac Civil Action Taxpayer Complaint filed by Bruce Schragger, Esquire, Schragger, Schragger & Lavine. 433 Franklin Corner Road, Lawrenceville, NJ, representing Four Twenty-Five Greenwood, Inc., (407 Greenwood Avenue, Trenton, NJ) vs. City of Trenton.
- 1ad Verizon of New Jersey, NJ Bell Telephone, Bell Atlantic Change of Address Request to City of Trenton Tax Assessor.
- 1ae Civil Action Summons Foreclosure Complaint filed by – John D. Krohn, Esquire, Phelan Hallinan & Diamond, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ, representing New Jersey Housing & Mortgage vs. Luis M. Viruet; Mrs. Luis M. Viruet; his wife, Johanela Figueroa; Mr. Figueroa; husband of Johnaela Figueroa; City of Trenton, et.al.

2. REPORTS

- 2a City Clerk's Office – Monthly money reports of funds collected by the office staff for the month of January, 2015 – Total revenue collected \$163,776.48

3. MINUTES FOR APPROVAL

Budget Meeting, December 11, 2014
Budget Meeting, January 29, 2015
Regular Meeting, February 5, 2015

Executive Session, December 16, 2014
Conference Session, February 3, 2015

4. RESOLUTIONS

- 15-67 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT WITH THE LAW FIRM OF HOAGLAND, LONGO, MORAN, DUNST & DOUKAS LLP, 40 PATTERSON STREET, NEW BRUNSWICK, NJ TO PROVIDE WORKERS COMPENSATION DEFENSE FOR THE CITY OF TRENTON THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ. (NOT TO EXCEED \$85,000.00)
- 15-72 RESOLUTION APPOINTING TAIWANDA TERRY WILSON A MEMBER OF THE ZONING BOARD OF ADJUSTMENT FOR THE UNEXPIRED TERM ENDING JUNE 30, 2015
- 15-73 RESOLUTION APPOINTING VICTORIA ROSE A MEMBER OF THE TRENTON ETHICS BOARD FOR THE UNEXPIRED TERM ENDING JULY 31, 2016
- 15-74 RESOLUTION AUTHORIZING THE TAX COLLECTOR FOR THE CITY OF TRENTON TO CONDUCT THE ANNUAL TAX SALE ONLINE THROUGH THE STATE OF NEW JERSEY PILOT PROGRAM
- 15-75 RESOLUTION EXERCISING THE OPTION TO EXTEND CONTRACT WITH REVENUE SERVICES, LLC., 2751 DIXWELL AVENUE, HAMDEN, CT FOR THE TAX COLLECTION SERVICES FOR THE CITY OF TRENTON DEPARTMENT OF FINANCE, DIVISION OF TAXES FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$200,000.00 WITH A FEE STRUCTURE BASED ON 13.95% OF THE AMOUNT OF TAX LIEN COLLECTED. – BID 2014-01
- 15-76 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET SEQ. TO EDMUNDS & ASSOCIATES, INC., 301A TILTON ROAD, NORTHFIELD, NJ TO PROVIDE CONTINUED APPLICATION SOFTWARE MAINTENANCE AND SUPPORT FOR CSJ/MC32SBX/UAX SYSTEM UPGRADE FOR THE EDMUNDS & ASSOCIATES FINANCIAL PACKAGE FOR THE DEPARTMENT OF ADMINISTRATION, DIVISION OF INFORMATION TECHNOLOGY FOR THE PERIOD BEGINNING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 IN THE AMOUNT NOT TO EXCEED \$22,260.00 – RFP 2014-43
- 15-77 RESOLUTION AUTHORIZING PAYMENT FOR A CONTRACT WITH WATERS & BUGBEE, INC., 75 SOUTH GOLD DRIVE, HAMILTON, NJ WHICH WAS AWARDED ON AN EMERGENCY BASIS FOR WORK PERFORMED IN CONJUNCTION WITH A 2" WATER SERVICE LEAK AT THE INTERSECTION OF STUYVESANT AND PARKSIDE AVENUE, TRENTON NJ IN AN AMOUNT NOT TO EXCEED \$37,229.27
- 15-78 RESOLUTION AWARDED A CONTRACT THROUGH FAIR AND OPEN PROCESS IN ACCORDANCE

WITH N.J.S.A. 19:44A-20.4 ET SEQ. TO AGRA ENVIRONMENTAL AND LABORATORY SERVICES, 900½ WEST BLACKWELL STREET, DOVER, NJ TO PROVIDE LABORATORY AND WATER QUALITY CONSULTING SERVICES FOR TRENTON WATER WORKS IN AN AMOUNT NOT TO EXCEED \$106,080.00 – RFP 2014-31

- 15-79 RESOLUTION ACCEPTING A BID AND AWARDING A CONTRACT TO BCHG INCORPORATED, 747 CHERRY STREET, SOUTHAMPTON, NJ FOR THE REMOVAL AND BENEFICIAL REUSE OF RESIDUALS FOR TRENTON WATER WORKS FOR THE PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$320,750.00 – BID 2014-63
- 15-80 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF GARY VALENTINO V CITY OF TRENTON, CLAIM PETITION NUMBER 2012-11045 IN THE CLAIM AMOUNT OF \$12,590.00 INCLUDING STENOGRAPHIC FEES
- 15-81 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF ANTWAN D. CREWS V CITY OF TRENTON, CLAIM PETITION NUMBER 2014-3572 IN THE CLAIM AMOUNT OF \$2,310.00 INCLUDING ATTORNEY AND STENOGRAPHIC FEES
- 15-82 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF STEWART SHAW V CITY OF TRENTON, CLAIM PETITION NUMBER 2014-3802 IN THE CLAIM AMOUNT OF \$23,000.00 INCLUDING ATTORNEY FEES AND COSTS
- 15-83 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF LISA PACCILLO V CITY OF TRENTON, CLAIM PETITION NUMBER 2013-11201 IN THE CLAIM AMOUNT OF \$4,590.00 INCLUDING STENOGRAPHIC FEES
- 15-84 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF JOHN DEHART V CITY OF TRENTON, CLAIM PETITION NUMBER 2013-13920 IN THE CLAIM AMOUNT OF \$36,750.00 INCLUDING ATTORNEY FEES, COST AND STENOGRAPHIC FEES
- 15-85 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF YOLANDA VAZQUEZ V CITY OF TRENTON, CLAIM PETITION NUMBER 2014-2690 IN THE CLAIM AMOUNT OF \$11,630.00 INCLUDING ATTORNEY FEES AND COSTS
- 15-86 RESOLUTION AUTHORIZING SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF MCDONALD BLAMO V CITY OF TRENTON, CLAIM PETITION NUMBER 2011-3234, 2012-27256, 2011-8611 AND 2014-20613 IN THE CLAIM AMOUNT OF \$39,768.80 INCLUDING ATTORNEY FEES AND COSTS

5. ORDINANCES

PUBLIC HEARING AND 2ND READING

- 15-01 ORDINANCE AMENDING IN ITS ENTIRETY SECTION 3(B) OF BOND ORDINANCE #07-28 OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE HETZEL IMPROVEMENT AND EXPANSION PROJECT, FINALLY ADOPTED APRIL 19, 2007 TO INCREASE THE APPROPRIATION FROM \$800,000 TO \$2,400,000 AND THE AUTHORIZATION OF BONDS OR NOTES FROM \$400,000 TO \$2,400,000 AND RESTATING THE BOND ORDINANCE, AS APPLICABLE

INTRODUCTION AND 1ST READING

- 15-02 AN ORDINANCE AMENDING CHAPTER 54-7 TO PROHIBIT SMOKING IN PARKS AND ALL RECREATIONAL AREAS OWNED, LEASED OR OPERATED BY THE CITY OF TRENTON

Public Hearing and 2nd Reading for Ordinance 15-02 will be held on March 5, 2015

ORDINANCE

No. _____

1st Reading FEB 05 2015

Date to Mayor _____

Public Hearing _____

Date Returned _____

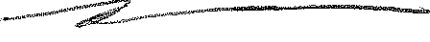
2nd Reading & Passage _____

Date Resubmitted to Council _____

Withdrawn _____ Lost _____

Approved as to Form and Legality

Factual content certified by




TITLE Comptroller CFO

DAVID L. MINCHELLO, ESQ., CITY ATTORNEY

Councilman /woman _____ presents the following Ordinance:

ORDINANCE AMENDING IN ITS ENTIRETY SECTION 3(b) OF BOND ORDINANCE #07-28 OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE HETZEL IMPROVEMENT AND EXPANSION PROJECT, FINALLY ADOPTED APRIL 19, 2007 TO INCREASE THE APPROPRIATION FROM \$800,000 TO \$2,400,000 AND THE AUTHORIZATION OF BONDS OR NOTES FROM \$400,000 TO \$2,400,000 AND RESTATING THE BOND ORDINANCE, AS APPLICABLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3(b) of Bond ordinance numbered 07-28 of the City of Trenton, in the County of Mercer, New Jersey (the "City"), finally adopted April 19, 2007 ("Bond Ordinance #07-28") and the remaining applicable sections of such Bond Ordinance #07-28 are hereby amended in its entirety to read as follows in order to increase the appropriation from \$800,000 to \$2,400,000 and increase the amount of bonds or notes from \$400,000 to \$2,400,000.

"Section 1. For the improvement or purpose described in Section 3(b) of Bond Ordinance #07-28 there is hereby appropriated the amount of \$2,400,000, including a \$1,200,000

ORDINANCE

grant from the State of New Jersey Green Acres Program (the "State Grant") and a \$1,200,000 loan from the State of New Jersey Green Acres Program (the "Loan"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvements since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,400,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is as set forth in Section 3(b) of Bond Ordinance #07-28 is as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>b) <u>Hetzel Field</u> The rehabilitation and redevelopment of sites currently known as Block 25601, Lot 6, Block 25501, Lot 7, Block 25501, Lot 5, Block 25501, Lot 6, and Block 25501, Lot 8, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$2,400,000</p>	<p>\$2,400,000 (includes the State Grant of \$1,200,000 and Loan of \$1,200,000)</p>	<p>15 Years</p>

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$2,400,000, including the \$400,000 bonds or notes authorized by Section 3(b) of Bond Ordinance #07-28 and the \$2,000,000 increase of bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$2,400,000, including the

ORDINANCE

\$800,000 appropriated by Section 3(b) of Bond Ordinance #07-28 and the \$1,600,000 additional amount as part of this amending bond ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(b) of Bond Ordinance #07-28

ORDINANCE

and further authorized herein is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,400,000, but that the net increase is only \$2,000,000 since the \$400,000 authorized in Bond Ordinance #07-28 has already been included in the City's debt and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$320,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$160,000 was estimated for these items of expense in Bond Ordinance #07-28 and an additional \$160,000 is estimated therefor herein.

Section 7. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(b) of Bond Ordinance #07-28 and further herein. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

ORDINANCE

Section 8. Any grant moneys received for the purpose described in Section 3(b) of Bond Ordinance #07-28 shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. All actions previously taken by the City officials in connection with the purposes described in Bond Ordinance #07-28 of the City are hereby ratified and confirmed and shall have been deemed to have been taken pursuant to this ordinance.

ORDINANCE

15-02

No. _____

1st Reading _____

Date to Mayor _____

Public Hearing _____

Date Returned _____

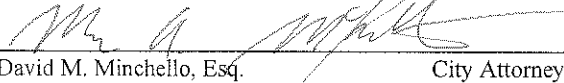
2nd Reading & Passage _____

Date Resubmitted to Council _____

Withdrawn _____ Lost _____

Approved as to Form and Legality

Factual content certified by


David M. Minchello, Esq. City Attorney


Title: James A. Brownlee, MPH
Director of Health & Human Services

Councilman /woman _____ presents the following Ordinance:

AN ORDINANCE AMENDING CHAPTER 54-7 TO PROHIBIT SMOKING IN PARKS AND ALL RECREATIONAL AREAS OWNED, LEASED, OR OPERATED BY THE CITY OF TRENTON

WHEREAS, the life-threatening hazards of smoking are well known; and

WHEREAS, the City Council of the City of Trenton find that it is in the Public interest to protect impressionable children from the temptations of experimenting with cigarettes and other tobacco products, especially in public places where children are likely to congregate, gather, play, and/or engage in athletic competition; and

WHEREAS, the City Council of the City of Trenton further finds that the appearance of parks and recreation areas can be enhance and the limited resources of the Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free from the litter typically generated by smoking of cigarettes, such as cigarette remnants, ashes, and packaging; and

WHEREAS, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; and

WHEREAS, N.J.S.A. 40:48-2 and N.J.S.A. 2C:33-13B also provide that a municipality as the owner and/or operator of a public place, such as public parks and recreational areas may prohibit smoking on such property in order to protect the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, it is in the best interest of the City of Trenton to refer to those park and recreational areas as "Smoke Free Zone."

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Trenton, that Chapter 54-7 of the City Code of the City of Trenton is hereby amended as follows:

Section 1. ARTICLE I - SMOKING

Definitions

ENCLOSED AREA – All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

ORDINANCE

MUNICIPAL BUILDINGS – All structures owned, leased, rented, and/or operated by the City of Trenton, and/or occupied by City employees and used for official business of the City of Trenton.

PARKS AND RECREATIONAL FACILITIES – All public parks, playgrounds, and ball fields publicly owned or leased by the City of Trenton and all property owned or leased by the City of Trenton upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including but not limited to, any parking area, driveway, or drive aisle.

SMOKING – The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Prohibiting smoking in public places

- A. Smoking shall be prohibited within a thirty-five-foot radius of the front entrances, exits and windows of all municipal buildings
- B. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the City of Trenton and all property owned or leased by the City of Trenton upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including but not limited to, any parking area, driveway, or drive aisle, which have been designated with no smoking signs.
- C. Smoking shall be prohibited in any vehicle registered to the City of Trenton.

Signage Required

A sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this Ordinance. The sign(s) shall state "Smoke Free Zone" or "This Public Property is 100% Smoke Free" or substantially similar language and may contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) All signs shall be clearly visible to the public and shall contain letters of a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine

Enforcement

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department, and Health Department of the City of Trenton.

Violations and penalties

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$50 - \$100 for the first offense, \$100 - \$200 for the second offense and \$200 - \$500 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the City of Trenton's policies and procedures.

