



City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville
AGENDA

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 6:01 p.m. and he 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 into the record: This meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided to the Hunterdon County Democrat, the Trenton Times, various individuals on the list serve, department heads and the City Engineer and City Attorney.

This meeting will be recorded and streamed live using the Zoom Meeting Platform.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

ROLL CALL

The City Clerk called the roll as follows:

PRESENT: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Nowick

ALSO PRESENT: William Opel – City Attorney, Cynthia Ege – City Clerk, Lindsay Hansche – Deputy Clerk.

CLOSED SESSION: Closed Session of the Governing Body of the November 17, 2022 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

Mayor Nowick asked for a motion to go into closed session to discuss potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the November 17, 2022 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)(7)”

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 November 17, 2022, in-person at the Phillip L. Pittore Justice Center

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 2

located at 25 South Union Street in the City to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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: November 17, 2022

Mayor Nowick and City Council convened in closed session at 6:02 p.m. with a motion made by Council President Taylor and seconded by Councilman Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 6:58 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad.

APPROVAL OF THE MEETING MINUTES

Mayor Nowick asked for a motion to approve the following sets of minutes: October 20, 2022 Closed Session Minutes, October 20, 2022 Work Session Minutes, November 1, 2022 Open Session Minutes, and November 1, 2022 Closed Session Minutes. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by four members, with Councilwoman Lambert abstaining. 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.

Mayor Nowick asked for a motion to approve the resolutions listed on the consent agenda, numbers 186-2022 through 200-2022.

RESOLUTION NUMBER 186-2022: *A Resolution to Authorize the Mayor to Sign the Fiscal Grant Cycle Agreement for the Governor's Council on Alcoholism and Drug Abuse for the July 1, 2023 to June 30, 2024 Term.*

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 3

WHEREAS, The City Council of the City of Lambertville, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Lambertville;

NOW, THEREFORE, BE IT RESOLVED by the City of Lambertville, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the South Hunterdon Municipal Alliance grant for fiscal year 2024 in the amount of:
DEDR \$ 3,980.00

Cash Match \$ 995.00

In-Kind \$ 2,985.00
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION NUMBER 187-2022: A Resolution to Authorize Refunds for a Garbage Permit, Escrow Refund, and a Construction Permit Fee.

RESOLUTION NUMBER 187-2022

A Resolution to Authorize Refunds For a Garbage Permit, Escrow Refund and a Construction Permit Fee

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 following refunds are hereby authorized:

Bulk Pick up to Jean Kelly of 2 Woodstream Court in the Amount of \$45.00

Escrow Refund for Kaitlyn Millsaps, 204 ½ Brunswick Avenue in the amount of \$218.79

Construction Permit refund to Tesla Energy Operations, Inc., for 24 Hancock Street in the amount of \$250.00

ADOPTED: November 17, 2022

RESOLUTION NUMBER 188-2022: A Resolution To Authorize Change Order 1 For The Contract With Top Line Construction Corp, For The 2020 NJDOT Municipal Aid Funded Grant Project, Reducing The Contract In The Amount Of \$-40,743.43;

RESOLUTION NUMBER 188-2022

A Resolution to Authorize Change Order 1 for the Contract with Top Line Construction Corp., for the 2020 NJDOT Municipal Aid Funded Grant Project, Reducing the Contract in the Amount of \$-40,743.43

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 4

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 Change Order 1 with Top Line Construction Corp., for the FY2020 NJDOT Municipal Aid funded grant project, for Swan Street, Douglas Street, Highland Avenue and Grant Avenue, reducing the project amount from \$271,323.29 to \$230,579.86; for a total of \$-40,743.43.

BE IT FURTHER RESOLVED that the Mayor, City Engineer and City Clerk are hereby authorized to execute the change order.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 189-2022: *A Resolution To Authorize Change Order 1 For The Contract With Top Line Construction Corp. For The 2021 NJDOT Municipal Aid Funded Grant Project, Reducing The Contract In The Amount Of \$-30,576.41*

RESOLUTION NUMBER 189-2022

A Resolution to Authorize Change Order 1 for the Contract with Top Line Construction Corp., for the 2021 NJDOT Municipal Aid Funded Grant Project, Reducing the Contract in the Amount of \$-30,576.41

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 Change Order 1 with Top Line Construction Corp., for the FY2020 NJDOT Municipal Aid funded grant project, for Grant Avenue and Allen Street, reducing the project amount from \$161,505.93 to \$130,929.52; for a total of \$-30,576.41.

BE IT FURTHER RESOLVED that the Mayor, City Engineer and City Clerk are hereby authorized to execute the change order.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 190-2022: *A Resolution to Approve the City of Lambertville's Emergency Operations Plan Recertified August 30, 2022.*

RESOLUTION NUMBER 190-2022

A Resolution to Approve the City of Lambertville's Emergency Operations Plan Recertified August 30, 2022.

WHEREAS, the City of Lambertville's Emergency Operations Plan is reviewed and updated every four years; and

WHEREAS, the Office of Emergency Management, managed by Lt. Robert Brown, reviewed and updated the Emergency Operations Plan, which was submitted to the County of Hunterdon's Department of Public Safety on August 9, 2022; and

WHEREAS, the State of New Jersey Department of Law and Public Safety reviewed the Emergency Operations Plan and found that it met the criteria for approval.

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 City of Lambertville's Emergency Operation Plan, recertified by the County of Hunterdon and the State of New Jersey is hereby accepted by the governing body.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 5

ADOPTED: November 17, 2022

RESOLUTION NUMBER 191-2022: A Resolution to Authorize the 2022 Tax Sale Amounts Due to the Lambertville Municipal Utilities Authority.

RESOLUTION NUMBER 191-2022

A Resolution to Authorize the 2022 Tax Sale Amounts Due to the Lambertville Municipal Utilities Authority.

WHEREAS, the City of Lambertville held the annual Tax Sale on October 25, 2022 for money due to the City of Lambertville for property taxes and for money due to the Lambertville Municipal Utilities Authority for sewer payments; and

WHEREAS, the City of Lambertville collected \$2,987.81 in the pre-tax sale and \$974.57 in the tax sale for the Lambertville Municipal Utilities Authority.

NOW THEREFORE BE IT RESOLVED that the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hereby authorizes the payment to the Lambertville Municipal Utilities Authority in the amount of \$3,962.38 for the funds collected in the annual tax sale.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 192-2022: A Resolution to Suspend the Street Sweeper Beginning Monday, December 12, 2022 Through March 27, 2023, Weather Permitting.

RESOLUTION NUMBER 192-2022

A Resolution to Suspend the Street Sweeper Beginning Monday, December 12, 2022 Through March 27, 2023, Weather Permitting.

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the street sweeper is hereby suspended beginning Monday, December 12, 2022 through March 27, 2023, weather permitting.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 193-2022: A Resolution to Authorize the Transfers in the 2022 Budget.

RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A 401:4-58

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated; now

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>FROM</u>	<u>TO</u>
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City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 6

2-01-20-120-100	Clerk S&W	2,500.00	
2-01-20-130-100	Finance SW	2,000.00	
2-01-20-135-200	Audit OE		2,500.00
2-01-20-145-100	Tax Collector S&W		4,600.00
2-01-20-145-299	Tax Liquidation TTL		600.00
2-01-20-150-200	Tax Assessor OE		3,000.00
2-01-20-155-200	Legal OE		25,000.00
2-01-21-180-100	Planning SW		140.00
2-01-22-195-101	Construction Frenchtown S&W	2,500.00	
2-01-23-210-290	Liability Insurance	5,000.00	
2-01-23-215-290	Workers Compensation	8,500.00	
2-01-23-220-200	Group Insurance	15,000.00	
2-01-25-240-101	Police S&W	18,300.00	
2-01-26-290-101	DPW S&W	30,000.00	
2-01-26-290-200	DPW OE		10,000.00
2-01-26-305-100	Solid Waste SW		4,500.00
2-01-26-305-200	Solid Waste OE		20,000.00
2-01-27-350-100	Historical S&W		1,650.00
2-01-30-415-100	Accumulated Absences	25,000.00	
2-01-31-430-271	Electricity		200.00
2-01-31-440-276	Telephone		700.00
2-01-31-445-272	Water		10.00
2-01-31-446-270	Natural Gas		1,200.00
2-01-31-447-270	Fuel Oil		1,800.00
2-01-31-455-278	Sewer		600.00
2-01-31-460-274	Gas		10,000.00
2-01-31-461-274	Diesel		8,500.00
2-01-36-472-298	Social Security		5,500.00
2-01-36-471-291	PERS		1,700.00
2-01-43-490-100	Court S&W		6,600.00
	Total	\$108,800.00	\$108,800.00

ADOPTED: November 17, 2022

RESOLUTION NUMBER 194-2022: *A Resolution to Authorize Change Order 1 for the Lambertville Library Porch in an Amount Not to Exceed \$5,179.36.*

RESOLUTION NUMBER 194-2022

A Resolution to Authorize Change Order 1 for the Lambertville Library Porch in an Amount Not to Exceed \$6,333.00

WHEREAS, the City of Lambertville completed a formal request for bids for the porch reconstruction project at the Lambertville Free Public Library located at 6 Lilly Street; and

WHEREAS, the contract was awarded to Charles Mann General Contracting, Inc., on September 15, 2022 in an amount not to exceed \$89,900.00; and

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 7

WHEREAS, the Architect for the project has determined that Change Order 1, to remove and replace rotten headers, in the amount of \$6,333.00, is required; and

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available for Change Order 1.

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Change Order 1 to Charles Mann General Contracting, Inc., in the amount of \$6,333.00 is hereby authorized.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 195-2022: *A Resolution to Authorize the Refund of Corelogic Overpayments for the Fourth Quarter Tax Payments.*

RESOLUTION NUMBER 195-2022

A Resolution to Authorize the Refund of Corelogic Overpayments for the Fourth Quarter Tax Payments.

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds to Corelogic for overpayments of third quarter property taxes are hereby authorized:

Block 1007, Lot 40 in the amount of \$2,365.55

Block 1026, Lot 2 in the amount of \$2,287.42

Block 1050, Lot 9 in the amount of \$2,025.07

BE IT FURTHER RESOLVED that the refund payments should be mailed to CoreLogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 196-2022: *A Resolution to Authorize the Change Order for Suburban Consulting Engineers, Inc. for the Post Ida Damage Project for Engineering Services in the Amount of \$4,650.00*

RESOLUTION NUMBER 196-2022

A Resolution to Authorize the Change Orders for Suburban Engineering for the Post Ida Damage Project and the USDA – NRCS Emergency Watershed Protection Program for Engineering Services in the Amount of \$4,650.00

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Change Order 1 for Suburban Consulting Engineers, Inc., in the amount of \$4,650.00 for the professional engineering services for Post Ida Project #6, Damage # 1211075, is hereby authorized.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 197-2022: *A Resolution to Authorize the Change Order for Suburban Consulting Engineers, Inc., for the USDA-NRCS Emergency Watershed Protection Program for Engineering Services in an Amount Not to Exceed \$30,100.00.*

RESOLUTION NUMBER 197-2022

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 8

A Resolution to Authorize the Change Order for Suburban Consulting Engineers, Inc., for the USDA-NRCS Emergency Watershed Protection Program for Engineering Services in an Amount Not to Exceed \$30,100.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Change Order 1 for Suburban Consulting Engineers, Inc., in the amount of \$30,100.00 for the professional engineering services for the USDA-NRCS Emergency Watershed Protection Program, is hereby authorized.

ADOPTED: November 17, 2022

RESOLUTION NUMBER 198-2022: A Resolution to Authorize the Veterans Deductions for Block 1080, Lot 11, Block 1002, Lot 38, Block 1034, Lot 6 in the Amount of \$250.00 Per Property

RESOLUTION NUMBER 198-2022

A Resolution to Authorize the Veterans Deductions for Block 1080, Lot 11, Block 1002, Lot 38, and Block 1034, Lot 6 for 2022 in the Amount of \$250.00 Per Property

NOW THEREFORE BE IT RESOLVED by the Governing Body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refund of a Veteran's Deduction in the amount of \$250.00 per property is hereby authorized:

Blk- 1080 Lot-11 Surviving Spouse of a Veteran- Deduction allowed 2022
Check Amount \$250.00
Check payable to and mailed to: Merle Citron
72 York St
Lambertville, NJ 08530

Blk- 1002 Lot- 38-Veteran Deduction Allowed 2022
Check Amount \$250.00
Check payable and mailed to: Paul Schermerhorn
22 Perry Rd
Lambertville NJ 08530

Blk- 1034 Lot- 6 Veteran Deduction Allowed 2022
Check Amount \$250.00
Check payable and mailed to: Donald Colombo
18 Lambert Lane
Lambertville, NJ 08530

ADOPTED: November 17, 2022

RESOLUTION NUMBER 200-2022: A Resolution Requesting Permission for the Dedication by Rider for Accumulated Absences Liability Trust Fund, Required by N.J.A.C. 5:30-15

RESOLUTION NUMBER 200-2022

A Resolution Requesting Permission For The Dedication By Rider For Accumulated Absences Liability Trust Fund Required By NJAC 5:30-15

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 9

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, *NJAC 5:30-15* provides for receipt of Accumulated Absence Trust by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the annual budget are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absence Trust Fund and Statutory authority.
2. The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this 17th day of November, 2022 and certified as a true copy of an original.
Cynthia L. Ege, CMR, RMC, City Clerk

End of Consent Agenda/Resolutions

Councilman Sanders made a motion to approve Resolution Numbers 186-2022 through 200-2022. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 201-2022: A Resolution to Authorize the Nine (9) Month Extension of Time to Comply with the Flood Damage Prevention Ordinance for the American Legion, 320 North Union Street, Block 1003, Lot 14, Permit Number 2199214

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this extension is necessary for the American Legion, also one of the city's polling places, due to an issue they are having with receiving necessary supplies/flood gates.

Mayor Nowick asked for a motion to approve Resolution Number 201-2022.

A Resolution to Authorize the Nine (9) Month Extension of Time to Comply with the Flood Damage Prevention Ordinance for the American Legion, 320 North Union Street, Block 1003, Lot 14, Permit Number 2199214

WHEREAS, the American Legion located at 320 North Union Street in the City, was heavily damaged from Hurricane Ida; and

WHEREAS, the Construction Office issued permit number 2199214 for work necessary to bring the site back up to code which includes their floodgate issues; and

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 10

WHEREAS, due to the unavailability of products and supplies, they are unable to complete the project in a timely fashion and are requesting a nine (9) month extension; and

WHEREAS, the Construction Office has no issue with the granting of this request as long as the applicant is fully compliant with the Flood Damage Prevention Ordinance at the end of the approved time extension.

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 nine (9) month extension of time for permit number 2199214 issued to the American Legion for the completion of work directly related to Hurricane Ida is hereby authorized, subject to the site being fully compliant with the Flood Damage Prevention Ordinance at the end of the approved time extension.

ADOPTED: November 17, 2022

Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

BILLS LIST

Mayor Nowick asked for a motion to approve the Bills List. Council President 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.

ORDINANCES FIRST READING/INTRODUCTION

ORDINANCE NUMBER 32-2022: *An Ordinance to Amend the Salary & Wage Ordinances to Include the Following New Positions: MS4-Tier A Coordinator, Public Works Laborer Part-Time*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the Governing Body that the City will need to add two new positions to our staff in 2023, in order to comply with the new requirements of our MS4, Tier A reassignment. He also would like to hire part-time staff members to work in Public Works. This ordinance establishes a salary range for each of those positions.

City of Lambertville
ORDINANCE NUMBER 32-2022

*"AN ORDINANCE TO AMEND THE SALARY RANGE FOR THE OFFICIALS AND
EMPLOYEES OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF
NEW JERSEY"*

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

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

-Municipal Stormwater Program Coordinator, Salary Range: \$1,00 - \$10,000.00

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 11

-Municipal Stormwater Program Coordinator, Assistant: Salary Range: \$2,500 - \$5,000

-Public Works Laborer Part-Time, Salary Range: \$15.00 – 18.50 per hour

INTRODUCED: November 17, 2022

ADOPTED: December 15, 2022

Mayor Nowick asked for a motion to introduce Ordinance Number 32-2022 on first reading with the public hearing scheduled for December 15, 2022. Council President Taylor made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 33-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII to include a Handicapped Parking Space in Front of 142 South Main Street Requested by Pauline Rocco.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the Governing Body and public that this is a request for the installation of a handicapped parking space in front of 142 South Main Street. Lieutenant Brown and the Public Works Director have both been asked to look at this request. The applicant was advised that this is a public street and someone with a handicapped parking placard could park in this space.

ORDINANCE NUMBER 33-2022

An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 142 South Main Street

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front of 142 South Main Street by Pauline Rocco is authorized as follows:

in Front of 142 South Main Street

INTRODUCED: November 17, 2022

PUBLIC HEARING AND ADOPTION: December 15, 2022

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 33-2022 with a public hearing scheduled for December 15, 2022. Councilman Sanders made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 34-2022: *An Ordinance of the City of Lambertville re-authorizing the sale of City-owned real property no longer necessary for a public purpose and establishing the procedures therefore, concerning Block 1070, Lot 13 on the tax maps of the City, more commonly known as 150 Swan Street.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the Governing Body and public that this Ordinance is necessary for the City to sell 150 Swan Street, Block 1070, Lot 13.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 12

ORDINANCE NUMBER 34-2022

An Ordinance of the City of Lambertville re-authorizing the sale of City-owned real property no longer necessary for a public purpose and establishing the procedures therefore, concerning Block 1070, Lot 13 on the tax maps of the City, more commonly known as 150 Swan Street.

WHEREAS, the City of Lambertville (the “City”), a municipal corporation of the State of New Jersey, owns real property shown on the City Tax Maps as Block 1070, Lot 13, more commonly known as 150 Swan Street (the “Property”); and

WHEREAS, the City has taken inventory of the vacant lots it owns within the City that are under-sized, without capital improvements, and not necessary for public use; and

WHEREAS, the City has identified the Property as not necessary for public use, and determined that the sale of such Property will return it to the tax rolls of the City, thereby creating revenue for the City; and

WHEREAS, the Governing Body of the City (the “Governing Body”) has determined that it is in the best interests of the City to offer the Property for sale pursuant to N.J.S.A. 40:12-1, et seq.; and

WHEREAS, in consequence, the Governing Body has determined that it is in the best interests of the City to offer the Property for sale to the highest bidder pursuant to N.J.S.A. 40A:12-1 et seq., the New Jersey Local Lands and Buildings Law (“LLBL”); and

WHEREAS, N.J.S.A. 40A:12-13 within the LLBL authorizes, among other things, the City to sell municipally owned real property or capital improvement not needed for public use at public auction and sale to a private person, upon specified terms and conditions; and

WHEREAS, on May 19, 2022, the Governing Body adopted Ordinance Number 10-2022, which authorized the sale of the Property to the highest bidder at public auction and sale; and

WHEREAS, on August 4, 2022, the City conducted a public auction for sale of the Property, and did not receive any bids; and

WHEREAS, based on the foregoing, the Governing Body desires to re-authorize the sale of the Property to the highest bidder at public auction and sale (the “Purchaser”), all consistent with the terms and conditions set forth herein below.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.
2. The following conditions apply to the within action by the Governing Body:
 - A. A sign shall be posted on the Property advising that the Property is for sale.
 - B. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder at a date and time set forth in the public notice to be published in accordance with the requirements of N.J.S.A. 40A:12-13(a) and as more particularly described in subsection M., below. The Mayor is hereby authorized to take any and all action necessary, including but not limited to, engaging a licensed real estate broker or auctioneer to conduct the public auction in accordance with the requirements of the Local Lands and Buildings Law.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 13

C. The City shall have the right to remove the Property from the auction for any reason whatsoever until the time of the auction. Notice of such removal will be posted prior to the commencement of the auction.

D. The Property shall be sold subject to 2022 taxes, pro-rated from the date of sale.

E. The City may, at its discretion, reject all bids.

F. Potential Bidders are advised: (1) to conduct all necessary title searches prior to the date of the sale; (2) that the description of the Property is intended as a general guide only and may not be accurate; (3) no representations of any kind are made by the City as to the condition of the Property which is being sold in its present condition, "as is"; (4) that the sale is made subject to all applicable laws, statutes, regulations, and ordinances of the United States, State of New Jersey, and the City of Lambertville.

G. At the conclusion of the auction, the successful bidder shall provide a deposit of 10% of the bid by certified check or money order and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the Governing Body either: (1) does not accept the bid in which case bidders deposit will be returned; or (2) accepts the bid whereupon the City shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than sixty (60) days following the acceptance of the bid by the City. The purchaser shall be entitled to possession immediately following closing of title.

H. At the conclusion of the auction, the successful bidder shall also provide a deposit of \$500.00 dollars by certified check or money order as a deposit on all applicable fees and City costs related to the sale of the property.

I. In the event the City is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the City will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the City shall extinguish any claims that said purchaser may have against the City in connection with the quality of title conveyed.

J. The Property herein sold is subject to any existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The City makes no representations as to the presence of any environmental conditions on the Property and the purchaser assumes the risk of any such condition, all Property being sold "as is."

K. All conveyances by the City shall be made by Quitclaim Deed.

L. Acceptable bids shall be confirmed by resolution of the Governing Body no later than the first regular meeting of the Governing Body following the date of receipt.

M. This Ordinance shall constitute and serve as the public notice to be published in a newspaper circulating in the City at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

N. In the event the successful bidder fails to close on the Property, the bidder shall forfeit the ten percent (10%) deposit.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 14

O. The Governing Body reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said Property or to waive any informality in relation thereto.

3. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom, and construed to give effect to the remaining provisions.

4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance, are hereby replaced and/or repealed to the extent of such inconsistency.

5. This Ordinance shall take effect at the time and in the manner provided by law.

Mayor Nowick asked for a motion to introduce Ordinance Number 34-2022, noting section 2B was amended to include language for engaging a licensed real estate broker or auctioneer, with a public hearing scheduled for December 15, 2022. Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 35-2022: *An Ordinance of the City of Lambertville Amending Chapter X, Section 10-7 of the City Code Entitled: Rental of Housing Units and Chapter XI Entitled Fire Prevention.*

This ordinance will be introduced for first reading at the December 1 session.

ORDINANCE NUMBER 36-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Amending Chapter VII, Section 7-8, Loading Zones, to Add a Loading Zone on Bridge Street, on the South West Side of the Bridge and Main Street Corner.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this would create a loading zone on the southwest side of Bridge Street.

ORDINANCE NUMBER 36-2022

An Ordinance to Amend the Lambertville City Code, 2014, Amending Chapter VII, Section 7-8, Loading Zones, to Add a Loading Zone on Bridge Street, on the Eastern Most Parking Space on the South Side of Bridge Street at the Bridge and Main Street Corner.

NOW THEREFORE BE IT RESOLVED that Chapter VII, Section 7-8 of the Lambertville City Code, 2014, is hereby amended to add a loading zone on the eastern most parking space on the south side of Bridge Street at the Bridge and Main Street corner from 9 a.m. to 5 p.m. Sunday through Saturday.

INTRODUCTION AND FIRST READING: November 17, 2022

PUBLIC HEARING AND SECOND READING: December 15, 2022

Mayor Nowick asked for a motion to introduce Ordinance Number 36-2022 on first reading with a public hearing scheduled for December 15, 2022. Councilman Sanders made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 15

ORDINANCE NUMBER 37-2022: An Ordinance to Amend the Lambertville City Zoning Ordinances, Application Fees and Escrow Deposits

Mayor Nowick read the ordinance into the record by title. He informed the members of the public that the City has not updated the escrow fees in several years and this is necessary so that the application can be reviewed by the City's professionals without using the entire balance prior to the appearance at the board.

Application Type	Current Escrow Fee	Proposed Escrow Fee
~Informal Plan: all fees collected for an informal review will be credited toward fees for review of a formal application	\$1,000.00	No Change
Minor Subdivision or Sketch Plat	\$1,500.00	\$3,000.00
Preliminary Major Subdivision Plat	\$2,000.00	\$4,000.00
Final Major Subdivision Plat	\$1,000.00	\$2,500.00
Site Plan Waiver Review	\$500.00	\$1,200.00
Informal Site Plan: all fees for informal review shall be a credit towards fees for a formal application	\$1,000.00	No Change
Minor Site Plan	\$1,500.00	\$3,000.00
Sign Review	\$0.00	\$1,000.00
Preliminary Site Plan	\$2,500.00	\$5,000.00
Final Site Plan	\$2,000.00	\$4,000.00
Hardship Variance	\$200.00	\$500.00
Residential 1 & 2 Family Variance	\$1,000.00	\$2,500.00
Other Variance	\$1,000.00	\$3,000.00
Use Variance	\$2,000.00	\$4,000.00
Appeals	\$1,000.00	No Change
Interpretation	\$1,000.00	No Change
Non-Conforming Use Certificate	\$1,500.00	No Change

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 16

Issuance of Permit for a Building in Certain Locations	\$2,000.00	No Change
Request for Rezoning	\$3,000.00	\$5,000.00
Conditional Use Permit	\$1,000.00	\$2,500.00
Boundary Line Adjustment	\$2,000.00	\$4,000.00

Mayor Nowick asked for a motion to introduce Ordinance Number 37-2022 on first reading with a public hearing scheduled for December 15, 2022. Councilwoman Lambert made the motion and Councilwoman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES IN DRAFT FORM:

ORDINANCE NUMBER XX-2022: *An Ordinance to Revise the Lambertville City Code, 2014, Chapter XX, Flood Damage Prevention, Incorporating the Mandated Higher State Standards Found in the Flood Hazard Area Control Act. See 08-19-2022 Letter from NJDEP.*

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Addition Provisions for Film and Media.*

ORDINANCES SECOND READING/PUBLIC HEARING

ORDINANCE NUMBER 24-2022: *Authorizing And Encouraging Electric Vehicle Supply/Service Equipment (Evse) & Make-Ready Parking Spaces*

Mayor Nowick read the Ordinance into the record by title. He noted that this was on the November 3, 2022 meeting agenda of the Planning Board.

ORDINANCE 24-2022
AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE
SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the City of Lambertville of Hunterdon.

WHEREAS, supporting the transition to electric vehicles contributes to City of Lambertville's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 17

WHEREAS, the City of Lambertville encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of City of Lambertville adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals *and objectives* of the Master Plan as well as the land use, circulation, and *the following* elements of the Master Plan:

Goal Number 4: Seek long term solutions to problems of parking and traffic congestion,

WHEREAS, the City of Lambertville encourages greater ownership and use of electric vehicles, thus the City of Lambertville is amending the ***Land Use, Zoning Ordinance, Article IV, Section 406.7, Off Street Parking and Loading Requirements*** to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

{Note: Title of the Ordinance, policy statements, and Purpose of the ordinance are optional sections and may be changed by the municipality.}

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 18

B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station." *{Note: Definition is directly from legislation and cannot be changed.}*

Garage and Parking Lot: "Garage," for the purposes of this section, shall mean a publicly-accessible structure, or part thereof, above or below ground, used for the parking of vehicles.

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.). *{Note: Definition is directly from legislation and cannot be changed.}*

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 19

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

{Note: Section C. of the model ordinance is mandatory and may not be altered.}

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The **Zoning Officer** shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of City of Lambertville's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 20

- b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
- c. a one-time written correction notice is not issued by the **Zoning Officer** within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.

8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

{Note: Section D of the model ordinance is mandatory and may not be altered.}

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 21

- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

{Note: Section E of the model ordinance is mandatory and may not be altered. }

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Z-406.7 Off-Street Parking and Loading Requirements.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

- 1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
- 2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 22

accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. *{Note: The use of time limits is optional and shall be determined by the owner.}*
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Municipal Code titled Lambertville City Code, 2014, **Chapter 8, Municipal Parking Areas and Metered Parking**. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

12) 4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with *the City of Lambertville's* ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 23

- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, **City of Lambertville** shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

- a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be set by

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 24

Resolution of the Governing Body annually and shall be calculated for each hour that the electric vehicle is connected to the EVSE.

- b. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

FOURTH: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey on Thursday, April 21, 2022 held in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the city.

INTRODUCTION AND FIRST READING: September 15, 2022

PLANNING BOARD REVIEW: November 2, 2022

PUBLIC HEARING AND SECOND READING: October 20, 2022 – carried to the November 17 Session

Mayor Nowick opened the public hearing for Ordinance Number 28-2022 and he asked for Council comments. Council President Taylor commented that goal number 2 is a typo and should be stricken from the Ordinance.

Public Comments

IN PERSON:

Paul Stevens, 39 Quarry Street: The Ordinance is not clear about “private use.” He asked if people would be able to get parking spaces in front of their houses, and the statement in the Ordinance about it repealing all prior ordinances was confusing. Councilman Sanders commented that there is one EV charger on a City street that was installed by a resident, and there is not the expectation that only he will park there. Council President Taylor commented that there is nothing in this ordinance that means you can put a charger in a public place.

ZOOM:

Bart Thurber, 53 Lambert Lane: The City doesn’t have a holistic plan for parking.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 25

Council President Taylor commented that this is an Ordinance with language required by the State of New Jersey and we are required to adopt the Ordinance.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 28-2022. Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt on second reading Ordinance Number 28-2022. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 29-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Section 8-24, Bridge Street Parking Lot, Amended to Permit the Bank to Reserve Three Spaces in the Bank Parking Lot for Visitors to the Bank During Hours of Operation*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance is being changed at the request of Wells Fargo Bank, and that the bank is the owner of the parking lot.

ORDINANCE NUMBER 29-2022

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Section 8-24, Bridge Street Parking Lot, Amended to Permit the Bank to Reserve Three Spaces in the Bank Parking Lot for Visitors to the Bank During Hours of Operation

WHEREAS, the City of Lambertville has an agreement with the First Fidelity Bank N.A. North Jersey and its successors, dated April 30, 1990, for the lease of the bank parking lot located on the south eastern side of Bridge Street; and

WHEREAS, Wells Fargo Bank contacted the City with a request to reserve three parking spaces during their hours of operation for the use by their employees; and

WHEREAS, Wells Fargo will install signage on three parking spaces closest to the bank for use by their customers; and

WHEREAS, Wells Fargo has requested that the police department continue to issue tickets for violators.

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 Lambertville City Code, 2014, Chapter 8, Section 8-24 Bridge Street Parking Lot be amended as follows:

Parking meters zones are hereby established within the district or upon those streets or parts of the streets described herein in which the parking of vehicles in such zones shall be regulated by parking meters on the days and between the hours specified as follows:

Time Period for the Bridge Street Parking Lot: Between the hours of 9:00 a.m. to 9: p.m. Monday through Saturday, and from 1:00 p.m. to 9:00 p.m. on Sunday, with the exception of three parking spaces which shall be made available to the bank for their customer use during their hours of

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 26

operation only. The parking spaces shall be designated with a signage that designates the hours of operation for the bank and the Ordinance Number for the parking violation.

Note: Parking along the Kline's Court side shall be for Bank employees only during banking hours.

INTRODUCTION AND FIRST READING: October 20, 2022

PUBLIC HEARING AND SECOND READING: November 17, 2022

Mayor Nowick opened the public hearing for Ordinance Number 29-2022 and he asked for Council Comments:

Councilman Sanders pointed out that the City of Lambertville does not own the bank parking lot. Discussion ensued. There is a need for a parking plan. Councilwoman Lambert volunteered to chair the parking committee.

Public Comments – None.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 29-2022. Council President 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.

Mayor Nowick asked for a motion to adopt Ordinance Number 29-2022 on second reading. Councilwoman Lambert made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 30-2022: *An Ordinance to Amend the Lambertville City Code, 2014 Chapter BH 3, to Permit Cottage Food Operations Licensed by the State of New Jersey in the City of Lambertville.*

Mayor Nowick read the ordinance into the record by title. He informed the members of the public that this Ordinance would allow home bakers to make an application to the State of New Jersey for a Cottage Food Operation and it sets the parameters for zoning. This was reviewed by the Planning Board on November 3, 2022.

ORDINANCE NUMBER 30-2022

An Ordinance to Amend the Lambertville City Code, 2014 and the Zoning Ordinances of the City of Lambertville to Permit Cottage Food Operations Licensed by the State of New Jersey in the City of Lambertville

WHEREAS, effective October 4, 2021, the New Jersey Department of Health adopted new regulations, N.J.A.C. 4:24-11 et seq. (the "Cottage Food Regulations"), to allow for home bakers to obtain a state-issued Cottage Food Operator Permit to prepare and sell cottage food products, including, but not limited to, products such as baked goods, candy, and fudge; and

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 27

WHEREAS, the new Cottage Food Regulations, and permits granted thereunder, are subject to compliance with municipal laws and ordinances that would apply to any such cottage food operation; and

WHEREAS, the City of Lambertville's Zoning regulations permit home offices, but do not permit such cottage food operations within the confines of the City; and

WHEREAS, the City of Lambertville wishes to establish Zoning permit procedures to allow such Cottage Food Operations within the City without variance relief from the local land use board.

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 following section of the Lambertville City Code, 2014, Chapter BH3, Section BH#-4 Definitions, and BH3-5 License Required and the Lambertville Zoning Ordinances are hereby amended as follows:

LAMBERTVILLE CITY CODE, 2014: Chapter BH3, Section BH#-4 Definitions to include the following description for the Cottage Food License

COTTAGE FOOD ORDINANCE – Shall mean any person who holds a New Jersey Cottage Food Operator Permit.

LAMBERTVILLE CITY CODE, 2014: Chapter BH3-5 License Required

- a. a. It shall be unlawful for any person to conduct a retail food establishment as defined herein without first having obtained an annual license from the City Board of Health. It shall also be unlawful for any person to conduct said activities without complying with any or all the provisions of this chapter and N.J.A.C. 8:24-1.1 et seq. of the New Jersey State Sanitary Code.
- b. No retail food establishment license shall be issued unless the retail food establishment has in its possession and on display a current satisfactory inspection certificate from the Hunterdon County Health Department dated within 12 months of the application for said license.
- c. No Cottage Food Operator License shall be applied for or issued unless the owner has in its possession and on display, a Zoning Permit issued by the Zoning Officer of the City of Lambertville. The application for a Zoning Permit must include a satisfactory inspection certificate from the Hunterdon County Health Department dated within 12 months of the application for said license and must comply with section 520.1 Minor Home Occupation. After first obtaining a Zoning Permit, the owner/operator can then apply for the State of New Jersey issued Cottage Food Operator's License.

INTRODUCTION AND FIRST READING: October 20, 2022

PLANNING BOARD: November 2, 2022

PUBLIC HEARING AND SECOND READING: November 17, 2022

Mayor Nowick opened the public hearing for Ordinance Number 30-2022; there were no comments from Council, or from the public.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 28

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 30-2022. Councilman Sanders made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 30-2022 on second reading. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

DISCUSSION ITEMS:

VALET PARKING: Recently, a business owner approached the City to request valet parking for their guests. They would like to reserve and pay for up to two metered parking spaces so that they can provide their customers with a drop or and pick up location for valet parking services.

Mayor Nowick read the Resolution into the record by title and he highlighted the parts of the resolution that included the controls.

RESOLUTION NUMBER 201-2022

A Resolution to Authorize the Three Month Trial Period for Valet Parking on North Union Street, east of Church Street

WHEREAS, the owners of Under the Moon, LLC would like to manage and offer to the public a Valet Service using two metered spaces on the east side of the street, in front of Under the Moon restaurant; and

WHEREAS, the valet would be managed by Status Valet or a vender who is selected by owners of Under the Moon, LLC; and

WHEREAS, the hours of operation are as follows:

- Friday Night beginning at 5:00 p.m. – 10:00 p.m.
- Saturday beginning at 11:00 a.m. to 10:00 p.m.
- Sunday 1:00 p.m. through 6:00 p.m.

WHEREAS, the lease for the storage of cars is with Genesis, owners of the Lambertville Station, 50 parking spaces to accommodate 75 parked cars; and

WHEREAS, the trial period will begin on December 1, 2022 and will end on February 28, 2023; and

WHEREAS, Under the Moon, LLC or the Valet Service will record statistics and will submit them to the City on a monthly basis for future consideration of the program; and

WHEREAS, after the end of the trial period, the governing body will consider the pros and cons of offering the services and may adopt an ordinances permitting the continuation of valet services at this location; and

WHEREAS, the owners of Under the Moon, LLC are managing this program, however will open it up to include the general public; and

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 29

WHEREAS, Under the Moon will pay the City \$1.50 per hour, per meter

- Friday night, 5:00 – 10:00 p.m. = \$7.50 per meter
- Saturdays: 11:00 a.m. – 10:00 pm. = \$16.50 per meter
- Sunday, 1:00 – 6:00 p.m. - \$7.50 per meter

WHEREAS, if at any time, either party decide that the valet services are not in the best interest of the city or the owners of Under the Moon, LLC, either party will end the service with a 10 day notice.

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 request for valet services in front of Under the Moon, LLC is hereby authorized subject to the following conditions:

1. The program will start December 1, 2022 and end February 28, 2023;
2. Under the Moon, LLC will manage the program and will maintain records for submittal to the city on a monthly basis;
3. Hours of Operation are restricted to the following days and times with a maximum of three metered parking spaces:
 - Friday Night beginning at 5:00 p.m. – 10:00 p.m.
 - Saturday beginning at 11:00 a.m. to 10:00 p.m.
 - Sunday 1:00 p.m. through 6:00 p.m.
4. Under the Moon, LLC agrees to pre-pay for the use of the parking spaces with \$252.00 due per month, for two meters, based on 4 weekends per month, due the first of each month.
5. Valet's may be required to take a pre-approved route for traveling to and from the Lambertville Station.

BE IT FURTHER RESOLVED that the Mayor, City Attorney, and City Clerk are hereby authorized to sign the Memorandum of Understanding with the owners of Under the Moon, LLC.

ADOPTED: November 17, 2022

Discussion ensued.

Mayor Nowick commented that the Governing Body has had three conversations, met with Under The Moon and Status, and asked for feedback from the public. Mayor Nowick received 2 emails in favor, 1 opposed, which he noted, was not a lot of public input. The objection was largely about quality of life issues for residents and the character of town. It was noted that the valet service would be for the use of the general public. The Governing Body can prescribe the route if necessary.

The City Attorney commented that normally this program would be done through an ordinance, but it makes sense to do this trial run via resolution because there is a lot of fact finding that needs to be done and it will allow Council to work quickly through issues.

Councilwoman Lambert asked if we move forward would we consider charging a fee to the people who want to run the service - the cost of \$252 a month is small. Would we require them to have a license or buy a permit? I would like to consider that. Some sort of license could also

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 30

help ensure they behave a certain way. Mayor Nowick responded that we can consider that, and acknowledged that we are taking a little bit of a risk with the trial but we are leaning in.

Councilman Stegman asked what we are requiring from the valet service as far as business registration, proof of insurance, etc? The City Attorney commented that this is a trial, and we can request that information. If the City moves forward, we can add that requirement to the ordinance that will set forward the terms for the operation. Liability, licensing, fees, etc. were discussed.

Mayor Nowick asked for a motion to adopt Resolution Number 201-2022 as amended. Council President 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.

RFEI: The City received two responses to the RFEI, from Caleb of Caleb's American Kitchen in Lahaska, and from Fisherman's Mark. The City will post them to the City website with added explanations for the public so that they understand what the responses were and what they were for. Councilman Stegman commented that it would behoove us to ensure that we don't eliminate an industry that works on commissions from bringing something forward. Mayor Nowick commented that this is a starting point. We will be talking a lot about the Closson property.

PROJECT UPDATES: Waterways, Roadways

Mayor Nowick reported that the Swan Creek work is progressing, and they are on target to finish by Christmas.

Roadwork is underway - Washington Street will be started the week after Thanksgiving and completed by the first week of December.

FACILITIES TOUR (November 12, 2022): Mayor Nowick thanked the Council and Council-elect for joining him on Saturday for the tour - it was a morning well spent. He said he found it eye opening to go as a group and share observations. Listening to department heads was very constructive. Come early January, we will start working on 2023 work.

CORRESPONDENCE – none.

ANNOUNCEMENTS

CONVENIENCE CENTER HOURS

Saturday, November 19, 2022 from 9 am to 12 noon
Saturday, December 3, 2022 from 9 am to 12 noon
Wednesday: December 14, 2022 from 3 pm to 5 pm
Saturday, December 17, 2022 from 9 am to 12 noon

ELECTRONICS RECYCLING: Saturday, November 19, 2022 from 10 am to 1 pm at the American Legion, 320 North Union Street in Lambertville. Electronics only – no microwaves.

City of Lambertville
Regularly Scheduled Council Meeting
November 17, 2022, 6:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville
AGENDA
PAGE 31

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting up for public participation and he reminded everyone of the rules and 3 minute limit put in place by the Governing Body.

IN-PERSON

Paul Stevens: In terms of valet parking, collecting data is great, but we don't find out accurately how it impacts traffic because we are at a time of year when traffic is down. The cannabis facility won't be open yet, and the traffic study hasn't been completed. He asked if we could post the meetings recorded using Zoom posted to the website.

ZOOM – Five attendees

Bart Thurber: I very much want to commend the holistic examination of the various sites because there is a reference about a bond to address deferred maintenance on the site. He strongly recommended that before any bond issue comes before the City, that we have an opportunity to consider various aspects, parking, traffic, and anything that may require capital improvements. Mayor Nowick commented that he appreciated the viewpoint and the City needs to set priorities. Facilities need attention and he is aware of our debt and the need to be responsible, in terms of borrowing. We will bond to do road jobs, Studdiford, and some repairs to City facilities.

Mayor Nowick asked for a motion to close the public participation period. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of closing the comment period by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 8:29 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Lambert. 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