



**CITY OF LAMBERTVILLE
WORK SESSION
7:00 P.M. THURSDAY, JUNE 1, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES**

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 7:00 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 newspapers, the members on the listserv, department heads, and the City Engineer. The meeting agenda provides for action items known at the time of posting and is subject to change. This meeting is being streamed live and recorded using the Zoom Meeting Platform.*

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilwoman Kominsky, Councilwoman Lambert, Councilman Lide, Council President Stegman, Mayor Nowick.

Also present: William Opel – City Attorney, Michael Sullivan – Planner, Cynthia Ege – City Clerk, and Lindsay Hansche – Deputy Clerk.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and he asked everyone to remain standing for a moment of silence in honor of those who served in the military and lost their lives.

PUBLIC PARTICIPATION

Mayor Nowick opened the first public participation session of the meeting.

Jeff Tittel, of Lambertville: Lambertville is listed as #26 of 30 towns in NJ with the highest tax increase. We had a volunteer fire department that cost half a million dollars per year – now it's a paid fire department costing \$1.3 million. I want to talk about the water utility. I am someone opposed to utilities because they just become another way for the Council to spend money and a way to get around a cap. Lambertville is one square mile in a watershed that is over 13,000 square miles. What we do in Lambertville cannot be done by itself. We need a regional approach with the towns around us. If we do what is planned, developing the high school site, the Village Apartments area will basically become a detention basin for the runoff. This town is 90% developed, and the vacant land is all Green Acres. There's no place for mitigation. Older homes are 90% impervious, so you're asking people to tear up driveways or get rid of patios. It's an expensive proposition with very little gain that won't address the flooding issue. FEMA will fail again because things were rebuilt exactly as they were when they failed previously. The reason no town in NJ has done this utility is because it's going to take a lot more work and a lot more research. It doesn't work in a small town – it has to be done on a regional level.

Shaun Ellis, of Lambertville, President of Soupcon Salon: Soupcon Salon is a nonprofit in Lambertville whose membership includes teachers, elected officials, and our mission is to provide a space that unites people for a more equitable world, social connections, education, and

mutual aid. It's an umbrella organization for groups that cannot find or afford their own space in town and it's essential to a thriving community. Space is the key - without space we cannot serve as a community center. With the sale of Hibernia Fire House, we've been asked to vacate by July 1st which leaves us without a home. I want to thank the Mayor and Council for considering the lease of the Holcombe cabin to us. It's far from a done deal but it would be a great space to continue our mission and serve the community. By renting and caring for the cabin, Soupcon Salon can provide relief to taxpayers. We are good tenants – we have won the trust and support of the community over the past year. We've connected and hosted events with the Latinx community, hosted clothing swaps in collaboration with Free Bridge Mutual Aid, we've hosted Indivisible, hosted voter information sessions, provided meeting space, and offered a RideFree project that provides rides to people who cannot drive. We hosted a leadership retreat, raised \$3,000 for IDA victims, and co-hosted The Laramie Project in partnership with the Rainbow Room. Coming up, we'll be offering a filmmaking camp for teens this summer and collaborating with Bike Lambertville to offer a bikeshare program. We have cared for the Hibernia building and repaired the broken heater, electric, and lights that were damaged in Ida. Thank you for considering us.

Mayor Nowick suspended the remainder of the public comment session until after the Stormwater Utility presentation.

PRESENTATION: NJ FUTURE & THE NJ LEAGUE OF CONSERVATION VOTERS ON STORMWATER UTILITY

Mayor Nowick introduced the representatives from NJ Futures and the NJ League of Conservation Voters.

Lindsay Sigmund, NJ Future

Richard Lawton, NJ Sustainable Business Council

James Thompson, NJ League of Conservation Voters

Mayor Nowick explained that there was a presentation offered to the public back in the fall introducing the idea of a stormwater utility. I am interested in moving forward with a stormwater utility feasibility study, which would examine whether a stormwater utility might be appropriate for the City. Ultimately it would be decided by the public via referendum.

Lindsay Sigman, Program Manager of NJ Future: NJ Future is a non-profit, non-partisan organization. I help communities explore what a stormwater utility could look like and how it could help meet their stormwater infrastructure needs.

The main questions: Why do we care about stormwater? How do we currently pay for stormwater infrastructure improvements? What is a stormwater utility? We'll also cover how a stormwater utility affects businesses, and review resources available from the Flood Defense Coalition.

What is stormwater? Rain or melting snow that flows off of streets, lawns or other sites. Stormwater runoff is increasing because of urban development and increased storm intensity and frequency.

Why do we care about stormwater? Rainwater runs off roads, roofs, and into stormwater management systems and waterways. The water carries oil, chemicals, sediment, and bacteria into our natural waterways. Excess stormwater leads to flooding, we are all familiar with this. Ida dumped about 11 inches of rainfall, but in some cases it only takes two inches of rainfall to overwhelm stormwater infrastructure.

How do we pay for stormwater infrastructure upgrades? Through property taxes and sewer fees.

Knowing all of this, how do we move forward to protect our water quality and mitigate flooding? Option 1: Do nothing. Continue to be reactive when flood events occur. Option 2: Increase property taxes and sewer rates to slowly accumulate funds for infrastructure. Option 3: Create a stormwater utility that is a dedicated and stable funding source.

What is a stormwater utility? Similar to a water or sewer utility, it is a fee based on the amount of impervious coverage on a property – basically a fee for how much stormwater the property generates. It's not a new concept. There are over 2,000 existing communities utilizing a stormwater utility across the US. There are none in NJ. It wasn't possible until 2019 when the State passed the Clean Stormwater & Flood Reduction Act which enabled towns to pursue the utility if they so choose. Stormwater Utilities can be established by municipalities, counties, groups of municipalities, sewerage and improvement authorities.

What are the benefits of a stormwater utility? It is an equitable, dedicated, stable funding source. The sole exemption is for active agricultural/horticultural properties, which are exempt.

What can a stormwater utility pay for? Capital expenditures – planning, design, construction and improvement to your stormwater management system. Additionally, operations & maintenance, asset management, permit compliance, particularly for the MS4, public outreach and education.

For properties that already have stormwater management, stormwater utility credits become available. This can help municipalities to promote green initiatives, sustainable development and environmental stewardship across their services areas.

How does a municipality develop a stormwater utility? By asking questions to define its best use: What are the problems facing your community? What are your community's goals for managing stormwater? Do you need a different structure and more resources? How will you fund stormwater infrastructure improvements that will be needed in the future? What is the cost of inaction?

Richard Lawton, NJ Sustainable Business Council: The NJ Sustainable Business Council is a network of small companies committed to sustainability. Stormwater utilities are good for business, and smart stormwater management strategies help businesses. Large corporations are focused on the bottom line, focused on profits – to them, that is success. Small businesses have a more nuanced view of success in their community – they are more mindful of their social and

environmental impacts. “Rain tax” is a term used by businesses focused on short term profits to scare people away from stormwater utilities. Those big businesses, who often have the most impervious surfaces between their big roofs and paved parking lots, are actually increasing the risk of flooding.

The stormwater utility aligns with the best interest of the community. It is an investment to reduce flood risk, enhances resilience to the community, and benefits business and the local economy.

James Thompson, NJ League of Conservation of Voters: The NJ League of Conservation of Voters is a non-profit, non-partisan, statewide organization committed to open space, clean air and work in public policy. I’m here to talk about Flood Defense NJ, which has partnered with NJ Future, Rutgers, Pinelands Preservation, ANJEC, NJ Sustainable Business Council, NJ Highland Coalition, and local officials as well.

Stormwater management is important and vital. Flood Defense NJ is a resource center available to anyone, and there is plenty of information available. We’ve developed different strategies to engage with the public about stormwater management, flooding issues, and stormwater utilities. We have been able to provide local pass-through grants to municipalities interested in exploring the feasibility of a stormwater utility – feasibility and implementation, education services, community outreach and support, peer to peer networking, materials and events.

Mayor Nowick thanked the presenters for reintroducing the topic to the public. He is keen on moving forward with the idea, and may suggest proposed action at some point in the future. He opened the discussion amongst the Council.

Council members asked about a regional approach to the utility, versus just in Lambertville. Ms. Sigmund explained that the last grant that was available had a regional option, but no municipalities submitted proposals as part of a region. One or two counties submitted. DEP has not announced who was awarded the funding. Not aware of any grants available for exploring the utility on the regional level, but that’s not to say it shouldn’t be prioritized. Stormwater does not care about municipal boundaries. Operationally, working regionally could be challenging. But establishing the utility and collecting fees puts you ahead of the game if a regional collaboration were to present itself. You could approach the County about the idea.

Council members asked about the timeline for the study, and the estimated fees that could be collected if it were enacted. Councilwoman Kominsky noted that we don’t have big businesses or multi-national corporations here. We have a variety of people on hills, in downtown areas, places with sidewalks and patios - where does that come into the phase of assessment?

Ms. Sigmund answered that so far, no municipalities in NJ have established the utility. Some towns are finishing up their feasibility studies. After the study is complete, it is up to the town to enact the utility or not, or to determine whether or not they need a phase two to gather more information. Estimating the fees would come at the end of the feasibility study, after a rate structure is established. Homeowners and business owners would be able to plug in a certain type

of property and then see what that would cost. Mr. Thompson added that the length of the study depends on what type of questions you want answered, typically 3 months to a year.

Council asked how does the community have reassurance that the spending of the money gathered by the utility is being done properly? Ms. Sigmund mentioned that there are reporting requirements to the DCA annually to show where the fees are going and what they are used for, required by law.

Council President Stegman pointed out that every property is involved in the utility - there is no exempt property that doesn't need to pay their fees - churches, etc. - everyone would be required to pay this. The feasibility study would help us go through the process with no obligation to implement if we determine it wouldn't work for us. The feasibility study grant is to do research.

25 People on Zoom.

PUBLIC PARTICIPATION – CONTINUED

Mayor Nowick reopened the first public comment session.

In regards to the Hibernia Fire House, Mayor Nowick shared that a letter was delivered today entitled 'Save the Hibernia Fire House.' He noted that everyone is welcome to speak, but there will be no response from dais on this matter because we are unprepared to speak on it.

Jacob Gallanger, Chris Bacari, Gina Davio, Ellen Galos, George Price, Mary Friedman, Catherine Carss, Kelly Bolding, Michael Dori, Billy Freese, JB Kline, Janine MacGregor, Leland Carlton, Hope Gabarrow, Jeffrey Apoian, Eric Storeson, Filomena Hengst, Kate O'Hare, and Gina Fischetti (via Zoom), and Sue Barnaby all spoke in support of Soupcon Salon, praising its community impact and the importance of the services offered. Individuals mentioned the need for an open space for creativity, music, and collaboration.

Ryan Spreen of Lambertville: Mr. Spreen spoke in reference to Ordinance 19-2023, to amend the ordinance for vending machines. I opened DelVue Arcade Club in 2022 which ignited the review of the old ordinance and the discussion for tonight. To me, updating this ordinance to "modern day" would involve researching what other municipalities have done and come up with changes that are fair and reasonable. I'm happy to do this, if the research has not been done. Mercer County abolished their ordinance - there's only one town left in Mercer that has licensing fees, and those are a \$60 site fee and \$30 per game. All the other townships carry no fee. These ordinances were created for bigger machines in bigger establishments – not for private social clubs. I see the revisions and it all seems ambiguous. I'm perplexed and want to find out what it all means, and I'm taking it a little personally, it feels like it's specific to me and that my beloved city is working against me. I want to do this for the kids and the community. I would like to be more involved in the process. I am not your enemy.

Cindi Sternfeld of Lambertville (via Zoom): Ms. Sternfeld thanked the Council and the Mayor for responding to my email. Sue Barnaby will present a petition to the Council, signed by one hundred residents, regarding the Route 179 Concept Plan, requesting more information, more opportunities for public input, and more consideration prior to a vote. The plan seeks to lessen vehicle collisions at 179 and Bridge Street. I agree that this is a dangerous intersection that needs to be addressed. But this plan will remove the first 45 feet of existing parking on N. Franklin Street by Funk N Junk. I'm not even sure how the proposed changes would fix the problem, and it would be done at the expense of residents who need parking spaces. When I moved here the corner was a permanent parking lot. Recently 3 town homes were added on the old parking lot – each has 3 bedrooms but only 1 parking space. There are more neighbors competing for less parking. Residents have to park on the street. Recently DeAnna's sold, and T54 took its place. The new restaurant is great, but while DeAnna's was mostly locals on foot, T54 pulls people from other places who drive there. The restaurant's overflow is on the street. I knew that Lambertville was a city when I moved here - I expected to park a distance from my home sometimes. But this proposal will make it worse. We are lucky that Charlie Garefino lets us park in his lot overnight, but it's not safe – it necessitates crossing four lanes of road at night. In an effort to decrease risk to some, it increases burden to many others. We bought our home thinking we would retire here. The home we bought had ample parking, but now the home does not. This lessens my property value and could affect the ability to sell. I agree something needs to be done, but this is not the solution.

Sue Barnaby of Lambertville distributed the petition to the Governing Body.

Mayor Nowick asked for a motion to close the first public participation session. Councilman Lide 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.

VI. 2023 BUDGET AMENDMENT

a. RESOLUTION NUMBER 82-2023: *A Resolution to Amend the 2023 Budget*

Mayor Nowick asked the City Clerk to read Resolution Number 82-2023 in full into the record.

City of Lambertville – County of Hunterdon
RESOLUTION NUMBER 82-2023 TO AMEND THE 2023 BUDGET

WHEREAS, the local municipal budget for the year 2023 was approved on April 20, 2023, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, that the following amendments to the 2023 budget are approved:

RECORDED VOTE:

Ayes: Councilwoman Kominsky, Councilwoman Lambert, Councilman Lide, Council President Stegman, Mayor Nowick

Nays: None

Abstain: None

General Appropriations: None

	FROM	TO	NET
PUBLIC WORKS Other Expenses	41,392.97	39,642.97	-1,750.00
SOLID WASTE Other Expense	207,540.00	206,790.00	-750.00
ACCUMULATED LEAVE COMPENSATION S&W	38,000.00	34,850.00	-3,150.00
COURT	12,860.00	12,110.00	-750.00
3-01-25-240-229 POLICE Other Contracts	55,375.00	54,375.00	-1,000.00
3-01-36-472-298 SOCIAL SECURITY	180,000.00	172,064.27	-7,935.73
TOTAL: Net reduction			\$15,335.73

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Division of Local Government Services for certification of the local municipal budget so amended.

ADOPTED: June 1, 2023

Mayor Nowick asked for questions or comments from the Council and the public.

Councilwoman Lambert thanked everyone on Council, the finance team, the Clerk's office, and the Mayor. You made this happen in a two week time period in response to a community request, and it worked out in a positive light. Councilwoman Lambert also thanked the community members who reached out, noting that she appreciates the different perspectives.

Council President Stegman noted the work done by City staff members. We did not consider cutting S&W (salary and wage) because we respect the people who work for us, they work hard. We are committed to making sure we can offer raises and retain important people to do important jobs.

The Budget Consultant offered a summary of the changes to the budget.

Councilman Lide thanked everyone for the time and effort and noted that it was a difficult decision to table the budget last meeting. There were a lot of residents who were not happy with

the budget, but an equal amount were. We were able to collaborate, and if we can continue on that trend, we can accomplish great things. We found a little bit of savings but there isn't a lot to cut here.

Councilwoman Kominsky echoed the sentiment of gratitude and collaboration. She's committed to work on cost saving ideas, and selling properties will help our fiscal situation.

Mayor Nowick agreed with everyone on the Council. He hopes to develop a better process going forward, and is open to recommendations of the Council. I'd love to see someone from the Council on Finance Team and be a part of those conversations going forward. Something to keep in mind is that the budget is also not just a question of plugging numbers in, it's the maintenance of the budget day to day and week to week. It's not just a one-time thing – it's work all year long.

PUBLIC:

Judy Gleason: I just wanted to thank the Council and mayor for looking again, that was what many of us wanted you to do. I didn't think there would be much. I really appreciate the fact that you did that and the seriousness of looking again. Process, many of us that the process has more looking starting at the beginning rather than the narrow times at the end. As a citizen that went to the hearings that took place in the summer, we were not allowed to ask questions as department heads were giving info to the budget consultant. Asking questions makes people look more carefully.

Mayor Nowick asked for a motion to adopt Resolution 82-2023. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

b. ADOPTION OF THE 2023 BUDGET

Mayor Nowick asked for a motion to adopt the 2023 budget as amended. Councilwoman Lambert made the motion and Councilman Lide seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

II. RESOLUTIONS

- a. RESOLUTION NUMBER 84-2023: *Resolution Authorizing The City Of Lambertville To Accept A Subgrant Award Of The Federal Fiscal Year 2023 Of Emergency Management Performance Grant And Emergency Management Agency Assistance***

WHEREAS, the City of Lambertville's Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-1017 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing

the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Lambertville will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2023 to June 30, 2024; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the City of Lambertville's Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Council accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

Mayor Nowick read the resolution by title into the record and he asked for a motion to adopt Resolution Number 84-2023.

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

- b. **RESOLUTION NUMBER 85-2023**: *A Resolution of the Governing Body to Certify the Application to the State of New Jersey, Department of Environmental*

Protection for the Water Quality Management Plan for the LMUA's North Union Street Pumping Station

WHEREAS, the City of Lambertville (the "City") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Lambertville Municipal Utilities Authority (the "Applicant") proposes to replace the existing pump station with a new wet well with submersible pumps, valve vault and an elevated platform to house a new control building, generator and equipment hoist system on the property owned and operated by the Applicant, designated as Block 1004, Lot 26 (282 N. Union Street) on the City's tax map (the "Project"); and

WHEREAS, in connection with the Project, the Applicant is required to submit a Treatment Works Approval Permit Application (the "Application") to the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, the City is required to endorse applications to the NJDEP for sanitary sewer and water extensions throughout the City; and

WHEREAS, the Applicant's proposed Application, attached hereto as Exhibit A, has been submitted to the City Engineer, who has reviewed the Application and recommended that the City endorse the Application; and

WHEREAS, the City desires to endorse the Applicant's proposed Application, as attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED 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 Mayor is hereby authorized to endorse and sign the Application attached hereto as Exhibit A on behalf of the City.
3. A certified copy of the within Resolution shall be provided to the Applicant for submission with Application to the NJDEP.
4. A copy of this Resolution shall be available for public inspection at the offices of the City Clerk.
5. This Resolution shall take effect as provided by law.

ADOPTED: June 1, 2023

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this resolution is to approve WQM plan for the LMUA which was damaged from Hurricane Ida and in need of repairs to make it flood proof.

Mayor Nowick asked for a motion to adopt Resolution Number 85-2023. Council President Stegman made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

- c. RESOLUTION NUMBER 86-2023: *A Resolution to Authorize Kathryn McLaren as a Signer on the Court Account.*

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey, that through 2023 checks drawn or withdrawals from these accounts be signed as follows:

Municipal Court General Account and Bail Account:
Kathryn McLaren, Municipal Court Administrator,
Francesco Taddeo, Municipal Court Judge

ADOPTED: June 1, 2023

Mayor Nowick read the resolution into the record. He informed the members of the public that this resolution added the new hire for the Court to be a signer on the account.

Mayor Nowick asked for a motion to adopt Resolution Number 86-2023. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

- d. RESOLUTION NUMBER 87-2023: *A Resolution To Amend Resolution Number 35-2023, A Resolution Of The City Of Lambertville, County Of Hunterdon, Conditionally Designating K. Hovnanian Homes, LLC As The Redeveloper Of Property Identified As The Lambertville High School Redevelopment Area, Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33 And 33.01, Block 1090, Lots 4 And 5, And Block 1091, Lots 1 And 1.01, Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1, Et Seq.*

WHEREAS, the City of Lambertville, a public body corporate and politic of the State of New Jersey (the "City"), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") to determine whether certain parcels of land within the City constitute an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on June 19, 2018, the Governing Body of the City (the “Governing Body”) designated the area known as the Lambertville High School Redevelopment Area and identified as Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33, and 33.01, Block 1090, Lots 4 and 5, and Block 1091, Lots 1 and 1.01 on City of Lambertville Tax Maps including rights of way (the “LHS Redevelopment Area”), as an area in need of redevelopment; and

WHEREAS, on November 26, 2018, the Governing Body adopted Ordinance No. 22-2018, which approved a redevelopment plan to provide specific provisions for the redevelopment of the LHS Redevelopment Area (the “Original LHS Redevelopment Plan”); and

WHEREAS, on April 23, 2020, the Governing Body adopted Ordinance 01-2020, which approved certain additional revisions to the Original LHS Redevelopment Plan (the “Amended LHS Redevelopment Plan,” and together with the Original LHS Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, K. Hovnanian Homes, LLC (the “Conditional Redeveloper”) submitted a proposal to the City, dated March 2022, along with a project concept plan, dated July 18, 2022 (the “Proposal”) for the potential redevelopment of the LHS Redevelopment Area (hereinafter referred to as the “Property”); and

WHEREAS, in accordance with the Redevelopment Plan, and as set forth in the Proposal, the Conditional Redeveloper proposes to develop, finance and construct on the Property two hundred (200) town homes, forty (40) of which will be reserved for affordable housing, along with associated amenities and improvements related thereto (collectively, the “Project”); and

WHEREAS, on August 18, 2022, pursuant to Resolution Number 159-2022, the City designated Conditional Redeveloper as conditional redeveloper of the Property for a period commencing upon the adoption of the resolution and ending ninety (90) days from that date or the date of the first meeting of the Governing Body following the ninetieth day of the date of adoption, whichever was later, to allow the City and Conditional Redeveloper the opportunity to pursue pre-development activities to implement the Project, including negotiation of a redevelopment agreement and other related actions (the “Pre-Development Activities”), and authorized the execution of a Funding Agreement to provide for the funding of an escrow account and procedures for the payment therefrom of moneys to pay the City’s costs and expenses incurred in undertaking the Pre-Development Activities, which escrow account Conditional Redeveloper has established with the City; and

WHEREAS, on February 2, 2023, the Governing Body adopted Resolution Number 35-2023, which extended the conditional designation of the Conditional Redeveloper one hundred-twenty (120) days, or the date of the next Governing Body meeting following that date; and

WHEREAS, in furtherance of the continuation of Pre-Development Activities, the Governing Body deems it necessary to further continue the designation of Conditional Redeveloper as conditional redeveloper of the Property, for a period of one hundred twenty (120) days from the effective date of this resolution or the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution, whichever is later.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor is hereby authorized to execute any necessary amendment to the Funding Agreement with the Conditional Redeveloper to memorialize the terms contained herein, in a form acceptable to the City in consultation with counsel.

Section 3. The instant designation of the Conditional Redeveloper, with regard to the proposed redevelopment of the Property is effective for a period of time being the later of: i) one hundred twenty (120) days from the effective date of this resolution or ii) the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution.

Section 4. If, by the expiration of the conditional designation period, the City and the Conditional Redeveloper have not executed a mutually acceptable redevelopment agreement, the designation of K. Hovnanian Homes, LLC, or a wholly-owned subsidiary thereof, as Conditional Redeveloper of the Property shall automatically expire without any need for any further action of the Governing Body, provided, however, that the City and the Conditional Redeveloper may negotiate an extension of such designation upon terms mutually acceptable to both parties.

Section 5. The Mayor is hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with counsel.

Section 6. This Resolution shall take effect immediately.

ADOPTED at a meeting of the Governing Body of the City of Lambertville, Hunterdon County, on June 1, 2023;

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this resolution authorizes the extension of the agreement with K. Hovnanian Homes.

Mayor Nowick asked for a motion to adopt Resolution Number 87-2023. Councilwoman Kominsky made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

- e. **RESOLUTION NUMBER 88-2023**: *A Resolution to Authorize the Installation of Speed Humps/Cushions on Lambert Lane as Recommended by the Traffic Committee Created As Part of the Application for a Retail Cannabis Store at 80 Lambert Lane*

WHEREAS, Jersey Girlz, LLC (the “Applicant”), made an application to the City Clerk and the Planning Board, to open a Cannabis Retail Shop in the Central Business District of the City of Lambertville on February 22, 2022, and

WHEREAS, the application was the subject of public hearings and conditionally approved by the Planning Board via Resolution Number 5-2022, and by the Governing Body via Resolution Number 57-2022, with both boards requiring the fulfillment of all conditions prior to final approvals; and

WHEREAS, one of the conditions required the Applicant to complete a traffic study and to work with a Traffic Committee that was comprised of several members of the Planning Board, the Board Professionals, the Lambertville Police Department, and neighbors; and

WHEREAS, the Traffic Committee has reviewed and accepted the Traffic Impact Study with the recommendation that the Applicant pay for the installation of two speed humps/cushions on Lambert Lane with the following conditions:

1: two speed humps/cushions must be installed no later than 120 days after the opening and/or final activation of the license issued by Recreational Cannabis Commission, whichever is earlier;

2: Applicant will fund up to \$10,000 of the cost for the installation of the speed humps/cushions; and

3: If the speed humps/cushions are either not approved by the Governing Body or they cannot be installed for another reason, then Applicant will contribute \$10,000 for other traffic-related or safety mitigation-related

improvements on Lambert Lane, as deemed appropriate by the Board Professionals and the Officer-in-Charge of the Police Department.

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 recommendation in the findings of the Traffic Committee for the installation of speed humps/cushions on Lambert Lane, for the application filed by Jersey Girlz, LLC to operate a Cannabis Retail business at 80 Lambert Lane, Block 1022, Lot 8, is authorized with the conditions stated in item numbered 1, 2, and 3.

ADOPTED: June 1, 2023

Mayor Nowick read the resolution into the record by title. He informed the members of the public that a Traffic Committee was created as part of the condition in the resolution granted by the Planning Board. They met on various occasions and are making this recommendation to the Governing Body for approval.

Councilwoman Kominsky recused herself for this resolution and she stepped down from the dais.

Mayor Nowick asked for a motion to adopt Resolution Number 88-2023. Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

III. ORDINANCES – FIRST READING

- a. **ORDINANCE NUMBER 19-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, Mechanical Music Machines, Amusement Devices and Vending Machines*

§ 5-2 MECHANICAL MUSIC MACHINES, AMUSEMENT DEVICES AND VENDING MACHINES.

§ 5-2.1 Definitions. As used in this section: [1990 Code § 5-2.1]

ARCADE

An amusement center offering mechanical, automated, electronic games and music for purchase through any means, including but not limited to coin, cash, game or membership card, credit card, admittance fee, or similar method of payment.

Any Arcade offering redemption prizes is required to file an application with the State of New Jersey, Legalized Games of Chance Control Commission, as well as with the City of Lambertville.

**AUTOMATIC, AUTOMATED, MECHANICAL OR VIDEO
AMUSEMENT DEVICE OR ELECTRONIC AMUSEMENT DEVICE**

Shall mean a machine of the type commonly known and designated as bagatelle, baseball, football, or pinball amusement games or similar machines and particularly, but not by way of limitation, any and all coin-operated amusement devices of any and all types and kinds, which, upon the payment of a user fee, including but not limited to coin, slugs, credit card, game card, or membership card used to operate or may be operated for use as a game, contest, amusement or entertainment of any description, or which may be used for any such game, contest, amusement or entertainment, and which contain no automatic payoff device for the return of slugs, money, coins, checks, tokens, or merchandise, or which provide for no such pay-off by any other means or in any other manner whatsoever.

AUTOMATIC, AUTOMATED VENDING MACHINE

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, operated machine used for the purpose of selling liquids, candy, food or general merchandise. Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered to be one machine and require one license. The license fee shall be calculated based on the highest dispensing fee of the bulk vending machines.

AUTOMATIC, AUTOMATED VENDING MACHINE

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, used to operate a machine for the purpose of selling liquids, candy, food or general merchandise.

Non-Electric Vending Machines (AKA Gumball Type)

Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered as one machine and require one license. Annual fee of \$10.00

MECHANICAL MUSIC MACHINE

Shall mean any method of payment, including but not limited to coin, slugs, credit cards, membership cards or game card used to operate a musical machine or device over and through which music by transcription is played.

PERSON

Includes any natural person, association, partnership, firm or corporation, company, utility or organization of any kind.

PROPRIETOR

Any person, firm, corporation, partnership, association, entity or club who, as the owner, leaseholder, or proprietor, has under his, her or its control any establishment, place or premises in or at which any mechanical, electronic or video amusement device is placed or kept for use or play or on exhibit for the purpose of use or play. In addition to aforesaid, the above-designated definition of “proprietor” shall include any lawful, separate business entity which engages in its primary operation the use of the aforesaid devices.

RESTRICTIONS

1. Issuance to person or proprietors convicted of a crime is restricted, except as provided by State of New Jersey law, no license shall be issued to or held by any person who has been convicted of a crime or by any corporation, partnership or association, a member or officer, director or holder of ten percent 10% or more of the stock of which has been convicted of any crime.
2. No license shall be approved for any applicant unless he, she and or they shall be twenty-one (21) years of age.
3. Four (4) or fewer mechanical, electronic or video amusement devices or jukeboxes in any premises are subject to the Zoning laws of the City of Lambertville.
4. Gambling and Gambling devices are prohibited. Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling, game and/or device whatsoever, including but not limited to card games, not any machine or mechanism that has judicially been determined to be a gambling device or to be in any way contrary to any present or future laws of the City of Lambertville, County of Hunterdon or State of New Jersey.
5. Maintenance of order: the person or proprietor in charge of the place or premises where any jukebox or mechanical, automated, electronic or video amusement device is kept or located shall maintain good order on or about the place or premises in which any jukebox or mechanical, automated, electronic or video amusement device is kept or located, which shall include but shall not be limited to the following:
 - a. Possession or consumption of alcoholic beverages without a license issued by the State of New Jersey Alcoholic Beverage Control Commission;
 - b. Gambling of any type
 - c. The use of cannabis products.
6. Hours of Operation
 - a. No jukebox or mechanical, electronic or video amusement device may be operated between the hours of 10:00 p.m. and 9:00 a.m. on any day, under any circumstances.

SOCIAL CLUB

An organization established for social, or recreational purposes that provides related opportunities exclusively for its members and is primarily supported by dues, fees, charges or other funds paid by its members.

TRANSFER OF LICENSE is prohibited.

§ 5-2.2 License Required.
[1990 Code § 5-2.2]

It shall be unlawful for any person to maintain, operate or use within the City any mechanical coin machine, automatic, automated or electronic amusement device, automatic vending machine, without first having obtained a license from the City or without complying with all provisions concerning the same contained in this section; and the maintaining, operating or using of such mechanical music machines, automatic or electronic amusement devices, automatic vending machines, without first having obtained a license from the City, or without complying with any and all provisions contained in this section, shall constitute a separate violation for each and every day that such machines and devices are maintained, operated or used.

§ 5-2.3 License Fees; License Transfer Not Permitted.
[1990 Code § 5-2.3]

a. Vending Machines. The annual license fee, per machine or device, for maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines in any one place shall be as follows:

1. Mechanical Music Machines - \$75 per year per machine (previously \$100.00).
 2. Automatic Amusement Devices - \$75 per year per machine (previously \$100.00).
 3. Automatic Vending Machines - yearly fee: \$40.00
- b. The licenses granted pursuant to this section are not transferable.

§ 5-2.4 Application for License.
[1990 Code § 5-2.4]

a. Application. Every person maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines, shall, on or before May 1 annually, make application to the City Clerk for a license to maintain, operate or use such machines or devices. The application shall

be filed with the City Clerk and shall be accompanied by the license fee required in subsection 5-2.3.

b. Investigation. The City Clerk shall cause an investigation of each application to be made by the Police Department to determine whether the owner, occupant or tenant of the premises upon which or within these machines or devices are to be maintained, operated or used, is complying with all laws of the State of New Jersey and ordinances of the City of Lambertville relating and pertaining to the preservation and protection of the lives, health, morals and general welfare of the inhabitants of the City; and for the purpose of such investigation, such applicants for licenses shall allow and permit the inspection of any such place or premises at all reasonable hours by any Police Officer of the City of Lambertville. The Police Department shall make a report of their investigation to the City Clerk.

c. Favorable Report. If the investigation report is favorable, the City Clerk shall issue the licenses. The effective date of each license shall be June 1 annually and such license shall expire on May 31 annually. Every person maintaining, operating or using these machines or devices shall keep said license posted and exhibited, while in force, in some conspicuous part of the premises.

d. Unfavorable Report. If the investigation report is unfavorable, it shall be the duty of the City Clerk to refuse the issuance of the license in question. This action of the City Clerk may be appealed to the City Council who shall, after notice and hearing, determine whether the action of the City Clerk shall be affirmed or reversed.

e. Licenses are not Prorated. When any such machine or device is installed on any premises in the City before or after May 1 in any year, an application for a license for such machine or device must be made immediately and the same procedure must be followed as outlined above in the case of the annual application. In such cases there will be no pro-rating of the annual license fee and any license issued upon such application shall be effective only to the time for the next annual license.

f. Licensee to Be Proprietor, Tenant or Occupant. All licenses hereunder shall be issued to and in the name of the proprietor, tenant or occupant of the premises where the machine or device is to be installed for the maintenance, operation and use thereof.

g. Investigation Charge. Whenever any application for a license hereunder is rejected, the City Clerk shall retain for the use of the City 20% of the annual license fee as an investigation charge.

§ 5-2.5 Operation of the Machine Regulated.

[1990 Code § 5-2.5]

The payment of the license fee required by this section, its acceptance by the City, and the issuance of a license to any person, shall not entitle the holder thereof to use any such machine or device so licensed in any manner which would be in violation of any law or ordinance.

§ 5-3 CIRCUSES, SHOWS, AND CARNIVALS.

§ 5-3.1 License Required.

[1990 Code § 5-3.1]

It shall be unlawful for any person whether as principal or agent, clerk or employee, either for himself or any other person, or for anybody corporate or as an officer of any corporation, or otherwise, to commence or carry on any traveling circus, traveling show or carnival, whether under canvas or not in the City without first having procured a license from the City and without complying with the provisions contained in this section or in any other ordinance heretofore or hereafter adopted by the City which is or may be in full force and effect; and the carrying on of any traveling circus, traveling show or carnival, whether under canvas or not, without having first procured a license from the City, or without complying with any and all of the provisions contained in this section, or in any other ordinance adopted by the City which is or may be in full force and effect, shall constitute a separate violation of this section for each and every day that such business is so carried on.

§ 5-3.2 Fees.

[1990 Code § 5-3.2]

The license fees which are fixed for the raising of revenue and for regulation and control, to be paid to the City for the conducting of or engaging in any traveling circus, traveling show or carnival, whether under canvas or not, shall be as follows: \$250 per day.

§ 5-3.3 Issuance of License; Posting.

[1990 Code § 5-3.3]

It shall be the duty of the City Clerk to issue a license under this section for every person liable to pay a license hereunder and to state in each license the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued, the particular business licensed, and the location or

place of business where the same is to be carried on. Every person having a license under the provisions of this section and the carrying on such a licensed business shall keep such license posted and exhibited while in force, in some conspicuous part of the place of business. No refund shall be made on any license fee paid on account of a cessation of business after such license shall have been issued.

§ 5-3.4 Inspections; Violations.
[1990 Code § 5-3.4]

Every person licensed under this section shall comply with all laws of the State of New Jersey and ordinances of the City relating and pertaining to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, and, for that purpose, such licensees shall allow and permit inspection of any place licensed under this section at all reasonable hours of the Chief of the Fire Department, the Health Officer and any Police Officer of the City, which officers are hereby authorized and directed and it shall be their duty to make such inspections and report any violation of any laws of the State of New Jersey or of the ordinances of the City of Lambertville relating to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, to the Mayor and Council, who shall order and direct the officers aforementioned to take such steps that they may deem necessary and lawful to remedy and correct any such violations.

§ 5-4 BILLIARDS, POOL PARLORS AND MOVIE THEATERS.

§ 5-4.1 Licenses Authorized.
[1990 Code § 5-4.1]

The Mayor and Council are hereby authorized to grant licenses to carry on or conduct billiard parlors, pool parlors and movie theaters.

§ 5-4.2 Fees.
[1990 Code § 5-4.2]

The charges for such licenses shall be as follows, for each billiard or pool table, \$25 for the first table per year and \$15 for each additional table per year; for each movie theater \$240 per year.

Mayor Nowick informed the members of the public that the City's Ordinance for Vending Machine Licensing was very outdated and this was brought to our attention by Mr. Spreen. The City reviewed Ordinances of other municipalities and included some elements from their

Ordinances into this amendment. This Ordinance was amended by the City Clerk, shared with the members of the Governing Body and the City Attorney. The changes are highlighted in yellow or the text is in a different color.

Mayor Nowick read the Ordinance into the record by title and asked for a motion to introduce on first reading Ordinance Number 19-2023, with a public hearing on June 15, 2023.

Councilwoman Lambert asked about the changes.

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

b. PENDING ORDINANCES

- i. Flood Prevention Ordinance – *carried to the June 15, 2023 session*

Mayor Nowick gave a brief status update on the Flood Prevention Ordinance, noting that it would be carried to the June 15th session. He is still waiting to hear from the DEP and the HPC.

IV. ANNOUNCEMENTS

- a. The Primary Election will be held on Tuesday, June 6, 2023. Polls open at 6 am and close at 8 pm. The County of Hunterdon’s Board of Elections announced a Voter Resource Center, an application to assist voters with finding information about the election.

V. PROJECTS

Mayor Nowick gave a brief update on the following projects:

- a. Short Term Rentals: The June 15 meeting will outline plans and projects for summer. With only one Council meeting in July and in August, we free up extra time to do other things.
- b. Properties to Sell
- i. 150 Swan Street Update: Max Spann was hired to auction the property off. The report was in the meeting folder for review.
- ii. Others: The City Attorney has advised that we are almost ready to sell the following properties (he estimates 45 days):
1. 310 North Union Street
 2. 113 Swan Street
 3. Route 179

VI. BOARD APPOINTMENTS

a. Planning Board

Mayor Nowick made the following nominations for Planning Board:

- 1: Michele Glassburg, Alternate 2, the term ends 12/31/24
- 2: Michele Romeo, Alternate 1, term ends 12/31/23.
- 3: Cynthia Jahn, Class IV, ending 12/31/24.

Councilman Lide made the motion to confirm Mayor Nowick's nominations and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

VII. DISCUSSION

a. Soupçon: Proposed rental of log cabin

Mayor Nowick informed the Governing Body that he was approached by Shaun Ellis to use the log cabin located on the Holcombe Farm for his Soupçon events. He wanted to have a discussion with the Governing Body before he responded to Mr. Ellis' request.

Mayor Nowick noted the large amount of public support for Soupçon, and agreed about the value of the organization. In regards to renting the log cabin, it is not something we can do by resolution – it would require ordinance. An initial concern is that since the organization is looking for a temporary rental, the ordinance process may be too lengthy for it to be a solution. Additionally, Council has decided to subdivide the log cabin and farm market and sell them. If this moves forward it is possible it would be a shorter rental than you would like. That's an issue we need to talk about. A couple other things, in regards to the cabin itself, the Construction Official looked at the building to understand load capacity and it's complicated.

Councilman Lide: We are lacking in community space, and we need to remember and think about that. We will look into whether it could work, but there would be a cost the city would incur to rent it. We can't spend money to do ADA compliance and then sell it a couple months later. We need to look at it more to see if there is a way we can make it work which won't financially hurt the City.

The City Attorney explained the building upgrades that would be necessary to make the cabin ADA compliant in order to rent, as well as potential zoning issues.

Council President Stegman suggested a few potential alternatives for rental space. He voiced feedback from residents of Lamberts Hill who are concerned about what renting that property would mean to them in regards to noise and lighting. He noted that there may not be sufficient parking for events. I support what you do, I just don't think this is the location to do it right now.

Councilwoman Lambert noted that she was very moved, not only by the number of people who are here tonight but by their words and what they said about how much it means to them. When I think about the logistics it makes me nervous. I am concerned about the time frame pushing up

against our need for the City to dispose of that property and we would really like to do it this year. We wouldn't be allowed to have you use the building conservatively for 3 months. I am trying to be realistic about it.

Councilwoman Kominsky – This is tough because it's a great place. You have your day to day operations and then events. Is there a way to bridge the gap by still having events while you don't have a permanent space?

Mayor Nowick noted that the Fire Official has not looked at this yet and we have no idea to what extent that may pose a challenge - that's another thing we need to consider. It would be important to know how you plan to use the space and how many people you plan on having up there. It's a maximum of 85 people in that place, calculated on square footage not number of rooms, which will pose questions about the main living room. The Council President's point about parking is a concern. We need to take everything into consideration.

Council members suggested additional potential spaces for the organization to pursue renting.

VIII. CORRESPONDENCE

- a. Mayor Nowick's letter regarding the Route 29 Sidewalk (Holcombe Park)

Mayor Nowick informed the members of the public of his request to NJDOT for a crosswalk by Holcombe Park. Tom Ogren spearheaded the mission.

- b. Letter of Support for the Stormwater Utility Feasibility Study - EC

IX. PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Mary Freedman of Lambertville: Ms. Freedman shared her concerns regarding short term rentals. She suggested restricting rental to primary residence owners, limiting the number of rooms allowed, or the number of rentals in a geographic area.

Dave Burd of Lambertville: Mr. Burd asked a question about the Shade Tree Ordinance introduced at the last meeting, regarding its jurisdiction.

Louis of West Amwell: Louis commented that stormwater utilities don't address climate change, and advocated for doing more preventative work (planting trees, soil restoration).

Margaret Carmelli, representing Maxwell Assets: Ms. Carmelli commented on the stormwater and requested a public information session for more detailed discussion. She expressed interest in additional stream cleaning.

Mayor Nowick asked for a motion to close the public participation session. Councilman Lide 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.

City of Lambertville
Work Session
7:00 p.m. Thursday, June 1, 2023
Phillip L. Pittore Justice Center, 25 South Union Street
MEETING MINUTES
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7 in attendance on Zoom at the end, 28 at most.

X. ADJOURNMENT

Mayor Nowick asked for a motion to adjourn at 10:11 p.m. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.