



**City of Lambertville**  
**Regularly Scheduled Council Meeting**  
**August 18, 2022, 6:00 P.M.**  
**Phillip L. Pittore Justice Center**  
**25 South Union Street, Lambertville**  
**MINUTES**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

Mayor Nowick called the meeting to order at 6:00 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 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 August 18, 2022 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

**RESOLUTION**

*“Authorizing a Closed Session at the August 18, 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 August 18, 2022, in-person at the Phillip L. Pittore Justice Center 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.

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Mayor Nowick and City Council convened in closed session at 6:00 p.m. with a motion made by Councilman Stegman and seconded by Councilwoman Lambert. 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 6:46 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 he asked the members of the public to continue standing for a moment of silence in commemoration of Hurricane Ida.

**APPROVAL OF THE MEETING MINUTES**

Mayor Nowick asked for a motion to approve the following sets of minutes as submitted: July 21, 2022 Closed Session Meeting Minutes and July 21, 2022 Voting Session Minutes. Councilwoman Lambert 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.

**RESOLUTIONS DISCUSSED IN CLOSED SESSION**

RESOLUTION NUMBER 158-2022: *Resolution Of The City Of Lambertville, In The County Of Hunterdon, New Jersey Authorizing The Preparation And Issuance Of A Request For Expressions Of Interest For Redevelopment Of A Portion Of Block 1002, Lot 41 (Farm Market Portion Of Closson Property)*

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this will allow the City to solicit for expressions of interest for the redevelopment of the Farm Market portion of the Closson Property.

**RESOLUTION NUMBER 158-2022**

**RESOLUTION OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AUTHORIZING THE PREPARATION AND ISSUANCE OF A REQUEST FOR EXPRESSIONS OF INTEREST FOR REDEVELOPMENT OF A PORTION OF BLOCK 1002, LOT 41 (FARM MARKET PORTION OF CLOSSON PROPERTY)**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Act") authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

**WHEREAS**, on April 5, 2022, by Resolution No. 65-2022, and in accordance with the provisions of the Act, the Governing Body of the City of Lambertville (the "City") authorized and directed the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether certain property, designated as Block 1002, Lot 41 (the "Property") meets the criteria set forth in the Act for a

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redevelopment area designation and to make a recommendation as to whether such Property should be designated as an area in need of redevelopment within which the City may use all of the powers provided by the New Jersey Legislature for use in a redevelopment area, except the power of eminent domain; and

**WHEREAS**, the Planning Board caused City Planner Emily Goldman, PP, AICP (the "Planning Consultant") to conduct a preliminary investigation to determine whether the Property should be designated an area in need of redevelopment; and

**WHEREAS**, on May 4, 2022, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Property prepared by the Planning Consultant, entitled, "Preliminary Investigation of Area in Need of Redevelopment (Non-Condemnation) for Closson Tract," dated April 14, 2022 (the "Report"), concerning the determination of the Property as an area in need of redevelopment; and

**WHEREAS**, the Act requires the Planning Board to conduct a public hearing prior to making its determination whether the Property should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Property is an area in need of redevelopment; and

**WHEREAS**, on May 4, 2022, the date noticed and advertised for such public hearing, the Planning Board reviewed the Report, heard testimony from the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine the Planning Consultant, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Property as an area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board that the Property satisfies the criterion for redevelopment area designation set forth in the Act; and

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a resolution recommending that the Governing Body designate the Property as an area in need of redevelopment pursuant to the Act; and

**WHEREAS**, on May 19, 2022, the Governing Body of the City adopted a resolution designating the Property as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the City desires to explore the potential redevelopment of a portion of the Property by one or more developers, specifically, the area including the farm market and associated parking lot (the "Farm Market Parcel"); and

**WHEREAS**, toward that end, the City desires to prepare and circulate a request for expressions of interest for the purpose of identifying prospective redevelopers and potential uses, in addition to or instead of, the currently permitted land uses of the Farm Market Parcel.

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

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

**Section 2.** The Governing Body hereby authorizes and directs the City to prepare and distribute a Request for Expressions of Interest (in the form attached hereto as **Exhibit A**, the "RFEI"), together with such additions, deletions and other modifications as deemed appropriate by the Mayor upon

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consultation with the City's redevelopment counsel and planner, and to distribute same to prospective redevelopers and others.

**Section 3.** The City is hereby further authorized and directed to take any action necessary to effectuate the transaction contemplated by this resolution and the RFEI.

**Section 4.** This resolution shall take effect in accordance with applicable law.

ADOPTED: August 18, 2022

Mayor Nowick asked for a motion to adopt resolution number 158-2022. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 159-2022: *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.*

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this names K. Hovnanian Homes, LLC as a conditioner redeveloper for the Old High School site. It does not give any type of approvals, but it does allow the City to begin talking with them about the redevelopment of the Old High School site and establishes an escrow account to pay for the City's professionals.

CITY OF LAMBERTVILLE  
RESOLUTION NUMBER 159-2022

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

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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, the Conditional Redeveloper proposes in the Proposal to develop, finance and construct on the Property two hundred two (202) town homes, forty-one (41) of which will be reserved for affordable housing, along with associated amenities and improvements related thereto (collectively, the “Project”);

WHEREAS, the City and the Conditional Redeveloper intend to pursue pre-development activities to implement the Project, including negotiation of a redevelopment agreement and other related actions (the “Pre-Development Activities”); and

WHEREAS, the City further wishes to enter into a funding agreement with the Conditional Redeveloper, a copy of which is on file with the City (the “Funding Agreement”), to effectuate 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 (collectively, the “Interim Costs”),

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 a Funding Agreement with the Conditional Redeveloper, in a form acceptable to the City in consultation with counsel.

Section 3. K. Hovnanian Homes, LLC, or a wholly-owned subsidiary thereof, is hereby designated as the Conditional Redeveloper of the Property for a period commencing upon the adoption of this 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 is later, *provided, however*, that designation of the Conditional Redeveloper as authorized hereunder is conditional upon Conditional Redeveloper’s full execution and funding of the Funding Agreement.

Section 4. If, by the expiration of the conditional designation period, the City and the Redeveloper have not executed a mutually acceptable redevelopment agreement, the designation of K. Hovnanian Homes, LLC, 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.

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ADOPTED at a meeting of the Governing Body of the City of Lambertville, Hunterdon County, on August 18, 2022;

Mayor Nowick asked for a motion to adopt Resolution Number 159-2022. Council President Taylor made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **PRESENTATIONS**

### **D&R CANAL WATCH PROJECT**

Mayor Nowick introduced the representatives from the D&R Canal Watch Project to the members of the public.

Robert Barth, a consultant and supporter of the D&R Canal Watch and the parent of the public was present and reviewed the D&R Canal Model Project with the members of the Governing Body and Public. Mr. Barth shared a PowerPoint presentation with the public. He stated that the committee is proposing to establish a working model of the D&R canal located on the Closson property. The purpose is to bring to life the workings of the canal structures and boats used in the 19<sup>th</sup> century and to promote interest, education and enjoyment by all age groups. The plan is to install permanent informational display boards that would supplement the bi-monthly operation of the working model. The model will be 120 feet long by 60 feet wide and take up approximately 1/8<sup>th</sup> of an acre. The actual canal is 66 miles and is 7 locks up and 7 locks down. The model will include 3 locks up and three locks down requiring an elevation change of 8 inches each, for an approximately total of 30 inches.

Council members expressed concern for the length of the model, fencing in the structure, sharing the model with the local schools, and concerns about sledding in the winter. Mr. Barth responded that the model would be semi-permanent and not major construction so it could be removed. It would be drained during the hard winter. When asked if the committee was willing to consider another location in the City, Mr. Barth responded yes. The Governing Body will consider the request at a later meeting.

### **HUNTERDON COUNTY LAND TRUST – Jackie Middleton, Applying for a Preservation Grant for the Closson Property**

Mayor Nowick introduced Jacqueline Middleton from the Hunterdon Land Trust to the members of the public.

Ms. Middleton informed the members of the public present that the City applied for Green Acres funding for the preservation of 6.2 acres of open space at the Closson property. This application is still being reviewed and considered by Green Acres. Green Acres will take the two appraisals submitted, come up with market value, pay the City 50% of that value in exchange for the vacant land piece, and it will then be listed on the ROSI, restricting the use of the property to open space. There are some conditions that need to be met from the Preliminary Assessment and a

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survey has to be completed in accordance with Green Acres requirements. If the City wants to go that route and make the restrictions, Green Acres will pay up to 50% of the appraised value to the City. Ms. Middleton informed the members of the public present that she has offered to assist the City with an application to the County of Hunterdon for Open Space Preservation for additional funding. The only requirement/restriction is that the land remains designated as open space. Ms. Middleton has met with Bill Millett from the County and the County has funds available.

Mayor Nowick thanked Ms. Middleton for attending the meeting.

**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 adopt the resolutions listed on the consent agenda, numbers 143-2022 (hold over from the July 21 Meeting agenda), 146-2022 through 157-2022.

**RESOLUTION NUMBER 143-2022: A Resolution to Cancel the Balance in the UDAG Repayment Account and the Medical Account with the Bank of Princeton**

**RESOLUTION NUMBER 143-2022**

*A Resolution to Cancel the Balance in the UDAG Repayment Account and the Medical Account with the Bank of Princeton.*

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 accounts can be canceled and the funds deposited into MRNA:

UDAG REPAYMENT ACCOUNT

MEDICAL ACCOUNT: closure of the bank account only, the trust amount will remain open

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 146-2022: Resolution to Authorize the Mayor and City Clerk to Sign the Contract with Real Auction for the Tax Sale.**

**RESOLUTION 146-2022**

**A RESOLUTION AUTHORIZING ELECTRONIC TAX SALE**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

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WHEREAS, the rules and regulations authorize a municipality to conduct an electronic tax sale; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the municipality of Lambertville City wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Lambertville, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

The foregoing resolution was duly adopted by the City Council of the City of Lambertville at a public meeting held on August 18, 2022.

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 147-2022:** *A Resolution to Authorize the following Refunds:*

- i) *Summer Camp Fee to Fisherman's Mark for Luke Fries in the Amount of \$812.00;*
- ii) *Facility Use Deposit to Jillian Roberts in the Amount of \$250.00; Bulk Garbage Permit Refund to Christopher Monigan in the Amount of 15.00*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon that the following refunds are hereby authorized:

Fisherman's Mark in the Amount of \$812 for Luke Fries Registration;

Jillian Roberts in the Amount of \$250.00 for Cavallo Park

Christopher Monigan in the Amount of \$15.00 for a Bulk Garbage Refund

**RESOLUTION NUMBER 148-2022:** *A Resolution to Authorize the Holiday Light Outlets with Jersey Central Power & Light for the Snow Flakes.*

**RESOLUTION NUMBER 148-2022**

*A Resolution to Authorize the tariff for the Holiday Lights to JCP&L in An Amount Not to Exceed \$2,000.00.*

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 Clerk is hereby authorized to file the paperwork with Jersey Central Power & Light for the tariff for the Holiday Lights in an amount not to exceed \$2,000.00.

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 149-2022:** *A Resolution Supporting Passage of Senate Bill 713 to Commemorate the Events of September 11, 2001*

**Resolution Number 149-2022**  
**Supporting Passage of Senate Bill No. 713**



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**to Commemorate the Events of September 11, 2001**

**WHEREAS**, The New Jersey State Senate recently passed Senate Bill No. 713, which would require school districts to include information on events of September 11, 2001, as part of New Jersey Student Learning Standards in Social Studies and requiring public schools to hold annual events commemorating September 11, 2001;

**WHEREAS**, Commemorating September 11<sup>th</sup> annually allows families and friends to honor and remember the legacy of their loved ones whose lives were lost to the deadly terrorist attacks that day; and

**WHEREAS**, Including curriculum on September 11<sup>th</sup> as part of the regular public-school instruction will provide students with information on the historical context of the attack, a timeline of the day as events unfolded, the heroic actions of first responders that day and the immediate days that followed, the global response to the events of 9-1-1, and strategies for teaching tolerance, acceptance and embracing of people of different religions and cultures;

**WHEREAS**, This legislation is needed so ensure that future generations do not only forget about the tragedy of September 11, 2001 but also to know that the United States and many nations rose up against this terrible act of international terrorism and reaffirmed a global commitment to freedom;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Lambertville extends its support of Senate Bill No. 713 as we approach the 21<sup>st</sup> anniversary of September 11<sup>th</sup>; and

**BE IT FURTHER RESOLVED**, that the Governing Body of the City of Lambertville calls upon the New Jersey Legislature to pass this legislation and for Governor Murphy to sign this bill into law so that future generations never forget the events of September 11, 2001.

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 151-2022: A Resolution in Opposition of the Proposed Increase to State Health Benefits Rates**

**RESOLUTION NUMBER 151-2022**

**Resolution Opposing the Proposed Increases to the State Health Benefits Program**

**WHEREAS**, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

**WHEREAS**, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

**WHEREAS**, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHPB, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

**WHEREAS**, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

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WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting “rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year”; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Lambertville in the county of Hunterdon call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOLVED, that the governing body of the City of Lambertville in the county of Hunterdon urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muto, Senate President Scutari, Assembly Speaker Coughlin, Senator Shirley Turner, Assemblyman Anthony S. Verrelli, Assemblywoman Verlina Reynolds-Jackson, and New Jersey State League of Municipalities.

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 152-2022: A Resolution to Oppose the NJDOT Rockfall Project on Route 29**

**RESOLUTION NUMBER 152-2022**

**A Resolution Opposing NJDOT’s Rockfall Project**

WHEREAS, the middle and upper Delaware River segments were designated a National Wild and Scenic River in 1978 by Congress and President Jimmy Carter in 1978, and the lower Delaware River was designated by Congress and President Bill Clinton in 2000 and;

WHEREAS, the river bluffs from Byram to Devil’s Tea Table are noted as having “remarkable scenic values” in the Lower Delaware Wild & Scenic River corridor; and

WHEREAS, the area parallels the Delaware River Scenic Byway, a designation by the USDOT, endorsed by the NJDOT, and subject to the Delaware River Corridor Management Plan; and

WHEREAS, the bluffs along Route 29 contain world famous outcrops of Triassic-age lake cycles, known as van Houten cycles, providing the textbook record of lake formation due to climate change in the Jurassic and Triassic Periods of the Mesozoic Era, and which could be considered

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“geologic heritage” due to possessing aesthetic, intrinsic or scientific and educational value, and providing unique insight into geological processes; and

WHEREAS, the Devil’s Tea Table geologic formation also has unique local, historical and geological significance, and is believed to hold religious significance to Indigenous people; and

WHEREAS, the archaeological record the Kingwood Township Route 29 corridor revealed artifacts of Indigenous people and prehistoric man inhabiting this portion of the river corridor dating from 6500 B.C. through the 1700’s, when the Turtle clan of the Lenapi Indians occupied the area; and

WHEREAS, the NJDEP Natural Heritage Priority Sites Coverage was created to identify critically important areas to conserve New Jersey’s biological diversity, with particular emphasis on rare plant species and ecological communities, and the area known as Devil’s Tea Table, including siltstone and shale cliff and adjacent dry woods overlooking the Delaware River, is designated by NJDEP as Natural Heritage Priority site number S.USNJHP1\*203 because it “Contains an occurrence of a shale cliff natural community and populations of endangered and special concern plant species” and the area known as Byram cliffs and wooded rocky diabase hillside is site number S.USNJHP1\*151 because it contains “One special concern plant species plus historically documented plant species”; and

WHEREAS, this area is also home to rare, threatened and endangered plants and wildlife including American Bald Eagles, copperheads, and several species of bats and fish; and

WHEREAS, The New Jersey Department of Transportation intends to construct rockfall mitigation in Kingwood Township on cliffs adjacent to approximately 3 miles of Route 29 from Mile Post 27.3 near Byram to a point, north of the Devil’s Tea Table locality, at Mile Post 30.43, including the removal of trees and vegetation, blasting on much of the rockface, rock removal and reinforcement, installing metal mesh or “draping” materials to the rockface, the creation of a new barrier or a “catchment ditch,” and applying concrete to the smoothed rockface including to the Devil’s Tea Table geologic structure, to keep rocks from falling onto Route 29; and

WHEREAS, an Open Public Records Act request submitted by local residents revealed that NJDOT has no records of accidents or fatalities related to rockfall incidents along Route 29 in Kingwood Township; and

WHEREAS, numerous questions have been raised by residents and local officials in Kingwood and West Amwell Townships to officials at NJDOT regarding the necessity of this project and its potential impact to the environment and local economy which relies heavily upon recreational tourism; and

WHEREAS, all Kingwood Township residents rely upon private wells and septic systems and have questioned NJDOT officials about the potential damage to existing STATE OF NEW JERSEY COUNTY OF HUNTERDON RESOLUTION 2021 – 263 wells and septic systems from the proposed stone blasting and removal of the cliffs associated with this project; and

WHEREAS, Route 29 is the north-south commuting route in the area and the proposed project will cause significant traffic delays and detours for several months or years during construction and will impact commuters in Frenchtown Borough, Kingwood Township, West Amwell Township, Stockton Borough, and the City of Lambertville; and

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WHEREAS, a more robust stakeholder process is warranted and needed especially in light of this project's scope which were permanently and irreversibly change the landscape of the river bluffs from Byram to Devil's Tea Table in the Lower Delaware Wild & Scenic River corridor; and

WHEREAS, the rockfall mitigation project panned at Jugtown Mountain along I-78 in Bethlehem Township has drawn similar concerns from residents and officials; WHEREAS, residents and governing bodies in the communities impacted by these projects desire a more robust community stakeholder process with the NJDOT including the exploration of potential alternatives to the project as presented; and

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the City of Lambertville, in the county of Hunterdon calls upon the NJDOT to pause moving forward with the rockfall mitigation plan for Route 29 and I-78 in Hunterdon County and to immediately engage in a robust stakeholder process with residents and local officials within the communities impacted by this proposed project; and

BE IT FURTHER RESOLVED that the Governing Body of the City of Lambertville, in the County of Hunterdon calls upon the NJDOT and the North Jersey Transportation Planning Authority (NJTPA) to examine alternatives to the proposed rockfall mitigation plan as presented; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to U.S. Representative Tom Malinowski; Governor Phil Murphy; State Senator Michael J. Doherty; State Senator Shirley K. Turner; Assemblyman John DiMaio; Assemblyman Erik Peterson; Assemblywoman Verlina Reynolds-Jackson; and Assemblyman Anthony S. Verrelli.

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 156-2022: A Resolution Requesting the Insertion of a Special Item of Revenue in the budget of Any County or Municipality Pursuant to N.J.S.A. 40A-87 (Chapter 159 P.L. 1948) for the DC Fast Charger Grant in the Amount of \$75,000.00**

**RESOLUTION NUMBER 156-2022**

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

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

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

**WHEREAS**, the Chief Financial Officer has certified that the City has received a grant in the amount of **\$75,000.00 for DC Fast Charger Community.**

**NOW THEREFORE, BE IT RESOLVED** that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2019

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CY Budget in the amount of \$75,000.00 which item is now available as revenue from the receipt of the DC Fast Charger Community.

**BE IT FURTHER RESOLVED** that a like sum of \$75,000.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

DC Fast Charger \$75,000.00

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

ADOPTED: August 18, 2022

**RESOLUTION NUMBER 157-2022: A Resolution to Authorize the Refund of Third Quarter Tax Payments to Corelogic.**

**RESOLUTION NUMBER 157-2022**

*A Resolution to Authorize the Refund of 3<sup>rd</sup> Quarter Tax Overpayments to Corelogic*

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 to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for overpayments of third quarter taxes are hereby authorized:

Block 1014, Lot 9	\$3,938.49
Block 1017, Lot 36	\$2,164.26
Block 1007, Lot 40	\$2,232.61

ADOPTED: August 18, 2022

Councilwoman Lambert made the motion to adopt the resolutions listed on the consent agenda. Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**END OF CONSENT AGENDA**

**RESOLUTION NUMBER 150-2022: A Resolution in Opposition of New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licenses**

Mayor Nowick read the resolution into the record by title. He informed the members of the public that this resolution was pulled from the consent agenda at the request of Councilman Sanders who had a concern about its adoption. Councilman Sanders cited legislation that conflicts with the language of the resolution.

**RESOLUTION NUMBER 150-2022**

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*Resolution In Opposition Of New Jersey Division Of Alcoholic Beverage Control's Special  
Conditions On Limited Brewery Licensees*

**WHEREAS**, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee (aka "craft brewery") in the state beginning Friday, July 1, 2022; and

**WHEREAS**, under the license conditions, craft breweries are limited to holding 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can also attend 12 off-premises events, such as town, charitable and holiday celebrations; and

**WHEREAS**, under these license conditions, craft breweries have restrictions on the types of television programming they can air in their tasting rooms, restrictions on what types of live or recorded music they can play or host, limits on what food options they can make available to customers, bans on the sale of coffee, and prohibitions on the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

**WHEREAS**, according the national Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey in calendar year 2021 contributed almost \$2 billion to the state's economy, creating over 11,000 jobs at an annual income of more than \$55,000 per employee; and

**WHEREAS**, the City of Lambertville was previously the home to River Horse Brewery; and

**WHEREAS**, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

**WHEREAS**, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

**WHEREAS**, the Governor and State Legislature should work with breweries to development smart and fair law revisions and regulations that will guide state regulators at the New Jersey Division of Alcoholic Beverage Control on how to oversee the state's craft beer industry; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Lambertville strongly opposes the New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licensees, and requests the conditions be removed immediately; and

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be forwarded to the leaders of the New Jersey Legislature and Governor Phil Murphy.

ADOPTED: August 18, 2022

Councilman Sanders made a motion to table the resolution. Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion. MOTION CARRIED.

The following resolutions were held to the September 1, 2022 meeting to give the City Engineer and City Attorney to review the submissions.

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RESOLUTION NUMBER 153-2022: *A Resolution to Award or Reject the Bids Received for the Project Titled Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek & York Street.*

- (1) JCP Group, Inc. in the amount of \$1,926,050.00
- (2) Kyle Conti Construction, LLC in the amount of \$1,696,961.00
- (3) Seacoast Construction, Inc. in the amount of \$1,960,827.97

RESOLUTION NUMBER 154-2022: *A Resolution to Award or Reject the Bids Received for the Project Titled Tropical Storm Ida Restoration Projects For Various Roadways*

NOTE: *Bid Opening is scheduled for August 17, 2022.*

RESOLUTION NUMBER 155-2022: *A Resolution to Award or Reject the Bids Received for the Swan Creek Tributary Stabilization & Restoration Project and Tropical Storm Ida Restoration Projects for Swan Creek and Quarry Street.*

NOTE: *Bid Opening is scheduled for August 18, 2022.*

## **BILLS LIST**

Mayor Nowick asked for a motion to approve the Bills List. Councilwoman Lambert 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**

There were no Ordinances presented for first reading.

## **ORDINANCES CURRENTLY IN DRAFT FORM:**

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Addition Provisions for Film and Media. This ordinance is currently in draft form and needs some additional edits.*

ORDINANCE NUMBER XX-2022: *An Ordinance Authorizing and Encouraging Electric Vehicle Supply/Service (EVSE) & Make Ready Parking Spaces*

ORDINANCE NUMBER XX-2022: *An Ordinance to Revise the Vacant Property Ordinance (NJ Statute Changes, Adoption of Abandoned Houses)*

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter XX, Landlord Registration (certificate of insurance from all owners of rental properties)*

## **ORDINANCES SECOND READING/PUBLIC HEARING**

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**ORDINANCE NUMBER 20-2022:** *An Ordinance to Amend Ordinance Number 19-2021, The Salary Range for the Officials and Employees of the City of Lambertville, County of Hunterdon, State of New Jersey*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance is to increase the salary range for city employees.

**City of Lambertville**  
**ORDINANCE NUMBER 20-2022**

*“AN ORDINANCE TO AMEND ORDINANCE NUMBER 19-2021, 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:

Court Administrator	\$26,000 - \$57,000
Construction Code Official	\$17,000 - \$100,700
Public Works Director	\$25.00 - \$55.00 per hour – Part Time
Public Works Director	\$55,000 - \$73,340 – Full Time
OEM Coordinator, Deputy Coordinator	\$5,000 - \$10,000 – part-time

This ordinance shall be retroactive to January 1, 2022.

INTRODUCED: July 21, 2022

ADOPTED: August 18, 2021

Mayor Nowick opened the public hearing for Ordinance Number 20-2022 and he asked for Council Comments. There being no Council comments, Mayor Nowick asked for public comments. There being no public comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 20-2022. Councilwoman Lambert 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.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval for Ordinance Number 20-2022. 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 21-2022:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 17, Cable Television, To Expand the Functions and Change the Name to Read: Broadband, Cable and Telephone Advisory Committee*



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Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance is to amend the name and to expand the functions of the Cable Television Advisory Committee to read Broadband, Cable and Telephone Advisory Committee. This is at the request of the Committee. He recognized Wardell Sanders for his work on this Ordinance.

**ORDINANCE NUMBER 21-2022**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 17, Cable Television, Article II, Cable Television Advisory Committee to Expand Its Functions and Change the Name to Read: Broadband, Cable and Telephone Services Advisory Committee*

**(a) Article II**  
**Advisory Committee**

- (i) 17 Cable Television, Changed to Read: Broadband, Cable and Telephone Services Advisory Committee
  - i. The function of the Committee shall be to:
  - ii. Explore potential ways to bring competition to Lambertville for broadband, cable and telephone services and reporting to the Governing Body its findings;
  - iii. Review and assist residents regarding complaints and questions related to service quality and terms and conditions of service for broadband, cable and telephone services and the availability of assistance and other programs for Lambertville residents;
  - iv. Education of residents regarding the regulation of broadband, cable and telephone services; and
  - v. Provide assistance to the Mayor and Governing Body regarding the issues related to broadband, cable and telephone services and serving as liaison to the industry and regulatory bodies as requested by Mayor and Governing Body.
  - vi. INTRODUCTION AND FIRST READING: July 21, 2022
  - vii. PUBLIC HEARING AND SECOND READING: August 18, 2022

Mayor Nowick opened the public hearing for Ordinance Number 21-2022 and he asked for Council comments. There being no Council comments, Mayor Nowick asked for Public comments. There being no public comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 21-2022. 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 21-2022 on second reading granting final approval. Councilman Stegman made the motion and Councilwoman Lambert seconded the

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motion. An affirmative voice vote was taken in favor of the motion by all members present.  
MOTION CARRIED.

**ORDINANCE NUMBER 22-2022:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Metered Parking, Article II, Parking Meters to Increase the Hourly Rate from \$1.25 per Hour to \$1.50 Per Hour*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance will increase meter fees by \$.025 per hour. The last time meter fees were increased was in 2019.

In the fall, the City increased residential parking permit fees from \$45 to \$120.00.

The meters are very old and require frequent amendments to the screen, batteries, and coin shoot.

**ORDINANCE NUMBER 22-2022**

*An Ordinance to Amend the Lambertville City Code, 2014, Article II, Parking Meters, Increasing the Time from \$1.25 Per Hour to \$1.50 Per Hour*

**1. § 8-16 INSTALLATION OF PARKING METERS.**

**2. § 8-16.1 City to Install.**

**[Ord. #88-25, § 5; Ord. #96-27, § 2; Ord. #2001-34, § 3; Ord. #08-2011; 1990 Code § 8-16.1; amended 5-16-2019 by Ord. No. 09-2019]**

The City shall install parking meters in the parking meter zones as provided in this article immediately adjacent to each designated parking space. The meters are digital and will accept any combination of nickels, dimes and quarters. A vehicle may lawfully park in such parking meter zones for a period of 10 minutes for a fee of \$0.30, 30 minutes for a fee of \$0.90, or one hour for a fee of \$1.50 and may also pay using a mobile or pay-by-phone application. All fees associated with using a mobile or pay-by-phone application will be paid by the user.

**3. § 8-18 DEPOSIT OF COINS AND TIME LIMITS.**

**4. § 8-18.1 Deposit of Coins Required.**

**[Ord. #88-25, § 5; Ord. #91-07, § 2; Ord. #96-27, § 3; Ord. 2001-34, § 4; 1990 Code § 8-18.1]**

No person shall park a vehicle in any parking space in a parking zone alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which the meter is located unless a coin or coins of United States currency of the appropriate denomination shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time and the meter has been placed in operation.

The provisions of this section shall not apply to municipally registered vehicles.

For a fee of \$12 per day payable to the City of Lambertville, contractors regularly engaged in the maintenance field or vehicles involved for moving household goods may secure a

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sign to be secured to the meter allowing them to park in a metered space for that day.  
[Amended 5-16-2019 by Ord. No. 09-2019]

INTRODUCTION AND FIRST READING: July 21, 2022

PUBLIC HEARING AND SECOND READING: August 18, 2022

Mayor Nowick opened the public hearing for Ordinance Number 22-2022 and he asked for Council comments. There being no Council comments, Mayor Nowick asked for comments from the public. There being no public comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 22-2022. 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 22-2022 on second reading granting final approval. Council President Taylor 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**

**Livestock/Chickens:** Mayor Nowick informed the members of the public he received 45 emails from members of the public with the majority in favor of having chickens. He informed the public that the Governing Body will not be introducing an ordinance to address this, but instead asks the public to be mindful of their neighbors.

**Lambertville Historical Society House Tour – use of the Holcombe House:** Mayor Nowick informed the members of the public that the Holcombe House, located on the Closson property, will be part of the Lambertville Historical Society's House Tour.

### **Halloween 2022: Monday, October 31, 2022**

Mayor Nowick asked for a motion to approve the road closures for Trick or Treating on Monday, October 31, 2022 from 5 – 9 pm with Trick or Treating scheduled from 6 – 8 p.m.

The following is the list of road closures:

- North Union Street from York to Buttonwood Street;
- North Union Street north bound from Coryell to York Street;
- York Street west bound closed at Main to George Street;
- Delevan Street from Clinton to George Street;
- Jefferson Street from Clinton to George Street;
- Delaware Avenue from Clinton to George Street;
- Perry Street from Clinton to George Street.

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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.

**Porchfest 2022**

Mayor Nowick asked for a motion to approve the road closures for Porchfest 2022 scheduled for Saturday, October 1, 2022 from 12 – 6 p.m. and for Kline's Court to be closed.

Please note: they requested use of Mary Sheridan Park from the Parks and Recreation Commission and that was approved on August 10, 2022. They also requested use of bathrooms from the City. Ryan Spreen is also paying for port-o-john's. We need to know where they propose to place them.

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.

**Greater Lambertville Area Chamber of Commerce Request for Turkey Trot**

Mayor Nowick asked for a motion to approve the Greater Lambertville Area Chamber of Commerce's request for road closures on Thanksgiving, November 24, 2022 from 7 am to 9:30 am.

The follow road closures are needed for the event:

North Union Street from Bridge to Elm Street

Lambert Lane from Bridge to Coryell Street

Coryell Street from Lambert Lane to North Union Street

Elm Street from North Union to George Street

George Street from Elm to Coryell Street

Please note that the Chamber's letter requested no parking from North Union from Coryell St. to Bridge St.

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.

**Closson Property**

Mayor Nowick gave a general update to where the City is with the Closson property. The site was acquired in April of 2021. We have filed and shown interest for a preservation/deed restriction from Green Acres. We have received two independent appraisals in July of this year, with the following values: Four Hundred Eighty-Five Thousand Dollars (\$485,000) Four Hundred

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Forty-Nine Thousand Five Hundred Dollars (\$449,500.00). The appraisal was based on the open space portion of the land only and is based on the highest and best use of the land. Because we removed the overlay on the property (never enforced), the market value was less. Green Acres will certify the appraisals and then they will determine market value from which subsequent funding will be based. Green Acres will send back a number and that will provide 50% funding. The preliminary assessment that has been completed, there are some things that will need to be taken care of, we will be required to get a new survey using green acres standards and requirements and then we will be eligible for funding. Mayor Nowick commented that he would like to see us move forward with Hunterdon County through the Land Trust.

IDA COMMEMORATION: The Resilience Team of the City has discussed ways to commemorate the anniversary of Ida. The first project is to create a public space in the ACME/Phillip L. Pittore Justice Center for people to bring photos, art, drawings, and letters and we will create a “Remembering Ida” feature using the ACME windows. The plan is to contact schools for children to participate. All are welcome to drop off art/writing/projects at City Hall at any time during open hours. We will have some discussion at the September 1, 2022 meeting to remember that day.

ARNETT AVENUE UPDATE: The Culvert Work at 1 Arnett Avenue has been repaired. The major culvert work (\$350,000 ish), includes a new floor and the forms set for walls. We expect the project to be completed in the next 3 – 4 weeks. The project needs time for cement to cure. The contractor pulled 5 tons of debris from confined space. Mayor Nowick said we may need to add a trash rack at the beginning of the culvert to prevent debris build up.

## **CORRESPONDENCE**

Mayor Nowick read the correspondence into the record.

COUNTY OF HUNTERDON: Proposed SHBP Rate Hikes

STATE OF NJ DEP, DC Fast Charge Community Application for North Union Street Parking Lot was awarded in the amount of \$75,000.00

NJLM: Governor Signs Law Requiring Municipalities to Create Business Insurance Registry

NEW JERSEY PROTECTING AGAINST CLIMATE THREATS RULES: Letter from Mayor Nowick to Governor Philip D. Murphy

## **ANNOUNCEMENTS**

Mayor Nowick read the announcements into the record.

150 SWAN STREET UPDATE: The City received zero bids for the sale by auction/sealed bids.

SWAN CREEK WATERWAY AND QUARRY STREET PROJECT: This was a joint project bid through an Interlocal Agreement with the Township of West Amwell. The bid opening was

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held on July 14, 2022 and we received 0 responses. The project was rebid with a bid opening date of August 18, 2022.

**CONVENIENCE CENTER HOURS**

Saturday, September 10, 2022 from 9 am to noon  
Wednesday, September 21, 2022 from 3 - 5 pm  
Saturday, September 24, 2022 from 9 am to 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.

**IDA COMMEMORATION**

**PUBLIC PARTICIPATION**

Mayor Nowick asked for public participation and he reminded everyone of the rules for engagement and the 3 minute time limit.

**In-person**

David Morgan thanked the Governing Body for their hard work and he commented that he felt the way the purchase of the Closson property was handled should have been handled differently. In the future he feels the Governing Body should seek approval from the public using a non binding referendum. He commented that this was done with a lack of transparency, and the public was told we were going to get 1.5 mil in green acres money, now we find out we are entitled to less than half of that value. We should consider preserving the hill and the historical property, but the other properties should return back to tax rolls. With the deplorable condition of other City properties, we don't need more. He felt the Governing Body had a fiduciary responsibility to taxpayers.

Judy Gleason commented that she agreed with Mr. Morgan but her comments are regarding the Chickens issue. She expressed concern because of the avian flu in the US and in PA. Zoonotic disease passed from birds to people. People don't realize that those livestock are under the rubric of the Department of Agriculture and there is a huge concern.

Paul Stevens commented that he too agreed with the first speaker. His comment was regarding the resolution soliciting for ideas to use the farm market on the Closson property. He asked why didn't you ask for all of the properties that aren't being preserved through Green Acres?

Jeff Tittle commented that he has been going to council meetings throughout New Jersey for over 40 years, and this is the only council that doesn't let you speak on resolutions. Mr. Tittle spoke about fuzzy math and further explained that it is when a town moves forward with purchasing property without due diligence or proper insight. He said he has been involved with Green Acres for 45 years and you do appraisals first. The tax assessment has a \$500,000

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assessment to preserve the land. Mr. Closson bought his brother out for \$675,000; yet we bought the property for 2.8 million. This is a failure. Now we are lucky if we can get \$250,000. Which means you will bond 3.7 mil for property that is worth less. Before you go forward, think about the highest and best use of the property.

Lilly Chen questioned how the land trust will affect the city if we were to receive the funding from the County. What if they give us \$50,000 - what can we do with the farm in the future? Can we develop 6 acres for affordable housing? Why aren't we thinking about affordable housing on the Closson property right now? She spoke about K. Hovnanian violations in other states and asked why we are partnering with someone with a bad history? Why are we not subdividing it? Why aren't we thinking about things to get us out of the mess?

Daniel Knott commented that it sounds like we made a mistake. We all make mistakes. Personally I think taking this preserved land devalues the property. The tax burden is quite hard. This is an expensive place to live, I love living here. There has to be a solution. Let's not get too hasty by taking this grant, because it restricts the possibility of recouping our loss. I hear that there is a cost, what's our future plans for the property? What is the loss in revenue has that been calculated?

Sandy Hanna asked if you decide to do the Green Acres for 6 acres, does that create a problem for future sales? Think about that before you proceed.

John Hencheck commented that the process I am most familiar with is at 100% assessment, assessed value, municipalities are supposed to by statute go to condemn the property, then you go to court and our offer of 1.3. You are supposed to condemn it and then a judge decides. What was done is against the law. This can't happen again and I think there should be an overview on what did occur to see what can be done. The Closson property could never be put on an overlay because it is listed on the NJ Historic Registry. We need to work together with them and get a preapproval and then when it's a mix of commercial and housing or both or how it's done.

Mike Redman commented that he felt the purchase of the Closson property didn't follow best practices, and should have got an appraisal. We have the property; we need a remedy. What's south of the creek, the hill, Holcombe house we should preserve. What's north of the creek is a commercial interest. We should sell it and maximize the commercial value of it. The council's responsibility is to the taxpayer, not to Fisherman's Mark. Consider subdividing the property.

Helen Pettit commented about the culvert on Arnett Avenue. She feels the City needs an asset management plan, she doesn't believe the city has had the time to look at all of its assets so they don't lose value – need to restore them before they go way further than they should.

John Hencheck commented as President of A.H. Holcombe house, I worked tirelessly to get almost \$1 million dollars for the City and the City by resolution took the money, and stated they would maintain the property. We have a preservation plan written by Herb Givens.

**City of Lambertville**  
**Regularly Scheduled Council Meeting**  
**August 18, 2022, 6:00 P.M.**  
**Phillip L. Pittore Justice Center, 25 South Union Street, Lambertville**  
**MINUTES**  
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Nancy Anderson commented about the small model of the canal. I have a degree in holistic horticulture, and was just featured on NJ Monthly. Her philosophy is to take care of the earth, but it doesn't make sense to allow the project, when the state wastes pesticides. The history is one of toxicity and it is not in our best interest to let DR use.

Zoom:

Gail Carabine commented that she lives across from the Closson property. The first duty of Lambertville is not to lower your taxes but to keep people safe and we were not safe on September 1. There was much more water in that part of the city than ever existed before and developing anything north on that site is dangerous. She is supportive of preserving it as Open Space and the appraisal was completed for open space, it would be more if you developed it for a large number of houses.

Council Comments:

Council President Taylor thanked everyone for their comments. She highlighted a couple points. One resident asked why the city is partnering with K. Hovnanian and this is not accurate, the old high school is a privately owned property, we do not control who that owner sells to. We are working with K. Hovnanian because we are trying to fulfill our Affordable Housing obligation. There was a significant conversation about Affordable Housing brought up for that property and it was shot down. With regard to the appraisals, I can't disagree. These appraisals are only for open space, and do not include the buildings.

Mayor Nowick asked for a motion to close the public comment section of the agenda. Councilwoman Lambert 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.

## **ADJOURNMENT**

Mayor Nowick asked for a motion to adjourn at 9:08 p.m. Councilwoman Lambert 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.

Respectfully submitted,

Cynthia L. Ege  
CMR, RMC, City Clerk