



**CITY OF LAMBERTVILLE  
WORK SESSION  
7:00 P.M. THURSDAY, MARCH 2, 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 notice provided to the Hunterdon County Democrat, the Trenton Times, various individuals on the listserv, and department heads, and the posting of the meeting agenda on the Bulletin Board at City Hall and the city's website at [www.lambertvillenj.org](http://www.lambertvillenj.org).

The meeting agenda provides for action items known at the time of the posting and may have been updated.

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, Cynthia Ege – City Clerk, Lindsay Hansche – Deputy Clerk

**PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

Mayor Nowick led the public in the Pledge of Allegiance and he asked everyone to continue standing for a Moment of Silence.

**BOARD APPOINTMENTS**

Mayor Nowick nominated Michelle Farro to serve an unexpired term on the Historic Preservation Commission. Councilwoman Lambert made a motion to confirm Mayor Nowick nomination of Michelle Farro. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE – FIRST READING**

ORDINANCE NUMBER 03-2023: *An Ordinance Of The City Of Lambertville, In The County Of Hunterdon, New Jersey, Providing For The Funding Of An Emergency Appropriation To Fund Various Watershed Protection Improvements In The Area Of Swan Creek And Ely Creek In And For The City, Appropriating \$500,000 Therefor, And Authorizing The Issuance Of \$475,000 In General Improvement Bonds Or Notes Of The City To Finance The Same.*

City of Lambertville  
Work Session  
7:00 p.m. Thursday, March 2, 2023  
Phillip L. Pittore Justice Center, 25 South Union Street  
\*\*\*MEETING MINUTES\*\*\*  
Page Number 2

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this ordinance is to fund the special emergency fund adopted by the Governing Body in September of 2022. The public hearing is scheduled for March 16, 2023.

Mayor Nowick asked for a motion to introduce Bond Ordinance Number 03-2023 on first reading. Council President Stegman made the motion to introduce Ordinance Number 03-2023. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **ORDINANCE – SECOND READING**

ORDINANCE NUMBER 01-2023: *An Ordinance By The City Council Of The City Of Lambertville Amending The City Of Lambertville Code Of Ordinances To Repeal Chapter 19; To Adopt A New Chapter 19; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date*

*Note: The Ordinance is posted separately and will also be posted with the meeting minutes for the public.*

Mayor Nowick informed the members of the public and the Governing Body that he did not have enough votes to adopt Ordinance Number 01-2023. Mayor Nowick asked for a motion to table Ordinance Number 01-202. Council President Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice call vote was taken by all members present. MOTION CARRIED.

Mayor Nowick informed the members of the public that the next step is to reconsider the language, send it to the State of New Jersey Department of Environmental Protection and then once approved, reintroduce the Ordinance. The plan is to remove 500 year flood plain and other changes regarding the assessment process. He encouraged public participation tonight so people had their questions answered.

Council discussion ensued.

- As far as process goes, the ordinance will be reintroduced starting with a new ordinance number and a new first reading. The current ordinance is in place until a new ordinance is adopted.
- Concern for missing the deadline as prescribed by NJDEP was discussed. There has not yet been an issue due to our lack of compliance with the NFIP, but that doesn't mean there won't be. It might be unlikely but not impossible and we need to comply to stay in the NFIP.
- The City needs to listen to concerns that have been raised tonight, regarding both the content of the ordinance and other concerns for stormwater management, the steep slope ordinance and land use. We need to think about how to slow down the runoff from the hills. Extreme weather is not going to stop occurring. It is important to develop a holistic view of all of the factors.

- The DEP is talking about raising the flood hazard another two feet, but it won't be published until later in the year.

The Construction Official gave an overview of Ordinance Number 01-2023 (the PowerPoint document is attached and marked as Addendum A). The ordinance addresses regulations and guidance and ASCE24 Code regulations, combining all of the requirements from all of them into one document. Every municipality has to adopt it. The purpose is to improve resiliency. We know that floods are going to happen - we have had them in the City and we don't want to see loss of property. The Construction Official commented that the Flood Maps are online and he is available to show people how to access the maps. The presentation discussed the following: NFIP encouraging municipalities to adopt more stringent standards which would take precedence over DEP standards; the definition of market value; the appeals process; planning and thinking about the future and how we can make Lambertville more resilient.

#### PUBLIC COMMENT

Jeff Tittle of Lambertville: Mr. Tittle said he thought all new construction in the 500 year flood area should adhere to higher standards. It's hard and expensive to retrofit. You need a comprehensive floodplain to alleviate flooding. His concerns are as follows: row homes; there isn't much difference between 3 feet above freeboard and 4 feet above freeboard; that the definition of "substantive damage" would apply for a fire as well as a flood and you would experience the same thing with a big addition. If you have to give a variance to everyone, maybe you should change the zoning.

Paul Stevens of Lambertville: He understands that NJDEP is requiring the ordinance. He said he understood why the 500 year flood plain would impact new construction. A "substantial damage" property could have a kitchen fire and then have substantial damage. The "assessed value of the structure" is an issue, because for many properties, the structure is only 1/3 of the assessment. Insurance companies will raise premiums. In regards to the "historical district," the DEP ordinance says specific houses have to be listed on historical lists. If you are concerned about being out of compliance, just adopt the DEP and amend it later. We need more discussion.

Bill Neely of Lambertville: He is a member of ZBOA, but speaking for himself. Can't echo strongly enough about the importance of clarity and guidance on these regulations for professionals. His property had moderate damage from Ida. He hired a contractor only to find the project is now a "substantial improvement" - something the contractor knew zero about. He is an Architectural Historian and very good with visuals.

Mr. Neely circulated the NYC Planning Commission's guidelines and said it would be helpful to have something like this because it gives you a snapshot, with the menu of options and information to know before you bring in architects and contractors. Need for clear guidance and visuals. 100% behind this ordinance.

John Hencheck: read into the record a statement. Lambertville is downstream of the Delaware River. The two towns are flooding from three states, the dam was to correct this problem but it was not built and the flooding that existed since the beginning of time comes from West Amwell,

the township does not have sewage capacity in the LMUA. Drainage affected by natural and unpredictable events. The soil compaction from Lambertville Rocktown Road, no stormwater in place when Ida hit, nothing but a couple pieces of plastic, the need to increase the runoff into Swan Creek downstream from 36 Rocktown Road, where the water carried the deadfall into the bridge and created overflow. There were no problems above where they were packing the soil down and putting in the power lines. Army Corp said keep your flood insurance. He commented about the contributions he and Mrs. Hencheck gave to the City. The rocks that were in front of the apron across from 36 Rocktown Road ended up in Swan Creek under the bridge into Rock Creek Woods. He said he questioned West Amwell about the deadfall, even before Sandy. They removed the deadfall, put it on the side of Swan Creek and it created a dam. He made Soil conservation aware of his complaint that the upgrade did not have stormwater catchment at all, it only had plastic. The Flood Prevention ordinance doesn't cover things that are overlooked because it is out of our control, downstream, downwind, and down current from everything. Water came onto Lambertville Rocktown Road, into the stream, confluence 1, and a large loss of road itself came down the Stymiest Rocktown Road. He said he was totally against what this is, and the main thing here is that all of these problems are not caused by Lambertville but we bear the brunt of it.

Gina Fischetti of Lambertville: She thanked the Mayor and Council for thoughtful consideration and deliberation of the proposed ordinance that was tabled. We appreciate it. I think it is really important and it's great to hear the Council and Mayor talk about the different things that need to be considered. I do think it is important to look at where it happens and the conversation related to stormwater is very important because folks are impacted. Some of these things in the ordinance may be an issue, like the 100 year floodplain, and the conversation about market value vs assessed value which could be a disadvantage to some folks. I didn't understand why an appraisal was required. The sections on variances and historic structures need careful consideration to how that variance is applied and what structures fall under that.

Mayor Nowick responded that Mr. Neely brought up a great example on how to improve. The Construction Official had a similar slide. We should build on the educational piece, thank you for that. At the end of the day, I don't see passing this ordinance as a victory or a failure - I see good things, and if it's a question about people sitting up straight a little and considering their needs, I will consider that a win. It is really about education and resiliency. It's important for us to be mindful and work towards the next step for resiliency. Upstream we know our eastern edge is steep slopes, I walk up Studdiford and hear water three days after rain. We know water is coming from uphill. One of the things we need to do is work regionally. Some of it is political and may be difficult to solve. We also need to be mindful of communities downstream of us.

Helen Pettit of Lambertville: I think we have a misunderstanding of what this ordinance is. It is a building code. When building codes are adopted, you have uses that do not conform and they are prior nonconforming uses, which are grandfathered in. If the structure changes because of substantial damage, you then fall under the new zoning requirements. It has always been like that; the standard has always been there. We have a standard now which is the assessed value. This is not a flood control ordinance. We need to address the master plan, the foundation of all

zoning ordinances. An environmental inventory is needed. Our zoning even provides for construction on Lewis Island. We should be concerned about residential development, the environmental inventory, look at the master plan, look at it sensibly, then make serious decisions about how we want to zone, detention basins, stormwater control for zoning and building requirements.

Judy Gleason of Lambertville: Ms. Gleason thanked Councilwoman Kominsky. River flood vs flash flood, we need to talk about the differences. The substantial improvement issue – many people don't know about that. It's a hugely important piece of the puzzle that people are not aware of. Variances to historical structures are automatically granted – many people think they are in the historic structure. Council President Stegman raised this point at meetings ago.

Tom Sullivan of Lambertville: Mr. Sullivan applauded forward-looking legislation, it is necessary. His concern in dealing with Lambertville and in talking with other residents in the construction department is there is too much confusion. Nobody gives you the same answer. We need a better system of management of existing codes before we issue more. With regard to the addition at Strand Theatre, there was supposed to be Stormwater Management but we can't get clear standards.

Kelly Sullivan of Lambertville: Ms. Sullivan commented that she used to love the sound of rain washing everything clean, there is a romance to it. The eastern side of the Strand gets wet and suffers degradation. There is a legal situation with their neighbor, if the codes Lambertville has in place and enforced, this situation wouldn't occur. We live in a river town and we don't want to flood. We have codes in place, which is a good place to start. Stormwater review: our neighbors disturbed over 3,000 feet of stormwater/land. No existing documents in Lambertville. It dumps out onto property onto the parking lot. She requested a sit-down with the city and was met with refusal because it might complicate the fence violation. It doesn't make sense. LS608.3 diversion of stormwater 2-400.7 setback requirement, not only cannot not build within 5 feet, but they built a patio that is damaging the building. Maybe we could just enforce the codes we already have.

Michael Menche of Lambertville: Mr. Menche commented that he lives in a repetitive loss property. His flood insurance premium is about 75% annually compared to his property taxes. He is heavily invested in the National Flood Insurance Program. During Ida, he drove through New Hope, up Route 202, drove through Alexauken Creek, and over by the Texas Transmission facility. There is a lot of water in that area. There is a lot of green area, but it seems to me that we should be mitigating upstream. We can do something in the steep slope area by the reservoir. No matter how much we debate the 500 year flood map, creek flooding is very different and I don't see that reflected. Are we going to create our own map? Would it reflect our profile? DEP is supposed to update the maps – I would love to hear about the maps and mitigation upstream.

Mayor Nowick commented that there are some houses that suffered substantial damage from Hurricane Ida that were brought into compliance, people are living in them, and they are holding their value. Substantial improvement is something we need to talk about more. The environmental inventory is very important. The City has a lot of needs and we are mindful of how much bandwidth or resources we have. We will see some of that coming our way this year.

He said he agrees with Judy Gleason, it is good to look at things holistically. The issue of mapping, he has a great set of maps from someone on Clinton Street, with overlays of the 100 and 500 year flood, and the 1955 flood. The resilience team is working on more effective mapping. We have 83 repetitive loss properties. He would love to have new layers of maps to show where all of those dangers are. Current maps are incomplete and they underestimate the flooding. First Street Foundation will give you what your flood risk is. First Street is more forward thinking. The whole methodology has to change. Climate is changing and there are new factors that we aren't taking into account which is going to be problematic.

John Miller of Lambertville, representing FEMA: I served on the Planning Board for the City for almost 18 years, authored the first stormwater management plan, and it got us into CRS. He represents FEMA and he also lives here. The FEMA mapping adopted in 2012 is only riverine study. To the gentleman that mentioned that it doesn't look like what happened in IDA (flash flood event), we had 10 inches of rain in 3 hours. FEMA mapping needs to change, needs to reflect future conditions. All of this mapping is based on historical records but the future is changing. The easiest way to say it is that the wettest storms are getting wetter. The extreme rainfall we had - we are getting more events like that, and more rain in those events, and that's a concern. I give the City a lot of credit for getting ready for what we are seeing. The Delaware River backs up into these streams. Then it starts to climb again, marrying the two things together, but it doesn't represent all flooding. There is a change going on because the flood insurance rate maps are designed to set the risk and then the premium. The same mapping is being used for land use. FEMA sets minimum standards, cooperative federalism. Flood insurance is available, and it is voluntary to participate. This ordinance is a code coordinating ordinance, blending state-wide building code with the flood ordinance into a single document so that a local official is satisfying all of those different regulations that come together. That is why it is so lengthy, it is reflecting regulatory overlaps.

Mayor Nowick commented that Alexauken Creek is very problematic. When he was sworn in, he checked in with the DEP Commissioner, and tried to get USDA, FEMA, water authority, PSE&G, all regulatory agencies to help clean-up Alexauken Creek. Last year we bonded \$40,000 which is what the sediment experts at NJDEP estimated it would cost to clean up the creek. Lambertville doesn't own any of this land, so we had to get access agreements. 14 months later, we are still working with DEP. The permit is in place, it took this long so that DEP can open the main channel. It is hard work when you have a creek that doesn't belong to you. We don't have the resources to completely do the creek. Underscore the complexities, forget about mitigation, just repair work has been challenging. It's important to work with upstream partners.

Zoom – no hands raised.

Mayor Nowick asked for a motion to close the public comment period. Council President Stegman made the motion to close the public comment period. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Stegman commented that there are two issues he is working on. The first is identifying the historic structures in town. It's something that came up in discussions with Mayor Nowick, the Construction Official, and the FEMA Representative. We need to know what the interpretation of 'historic' is and what we have to do to follow the guidelines. Secondly I have concerns about what we use to value our properties as far as the City is concerned. In some cases there is a big gap between assessed value for a building and the market value of the building, taking the land out of the equation. It's not going to get anywhere near what people are paying for these houses. I understand we are trying to make it easier, but there is a large difference between the two at this point.

Mayor Nowick commented that both are good things to look at. We looked at the language, what does "contributing to the historic district" mean? We will examine the definition and how it is applied. In regards to how we value our properties, we need to look at the language. It would be very difficult to give an appraisal on just the building, so maybe the whole thing needs to change? The Construction Official commented that they can only value the structure but it's difficult to get an accurate appraisal on the structure itself.

Council President Stegman commented that it is not a cookie cutter solution to the problem. I know we can split the cost of the land because it is assessed differently than the building. We are responsible to the people who are buying property in the City, sometimes hundreds of thousands of dollars over the assessed value. The appraisal has to be paid for by the property owner as well as the cost of going to the board.

The Construction Official, Ken Rogers, with regard to the historic issue, agreed that we can work to better define our historic registry. But noted that there is no change to this section between our existing ordinance and the DEP model Flood Damage Prevention Ordinance.

Councilman Lide commented that he has concerns. He noted that we have a lot of adjoining places and connected homes. In the case of substantial damage to one, how do we deal with that? Require half to lift and the other half doesn't? Another concern is that we have residents who have lived a long time in these houses. Their assessed value is a lot lower because they lived there for a number of years. Those houses are assessed lower because they haven't sold, or done renovations. The current evaluation method for assessment limits us to one arbitrary assessor number. The valuation methods aren't in line with the FEMA handbook. Why would we do something different? For stormwater Management, the culvert on Arnett Avenue, the City put the same size culvert there - why would we do that? We had the opportunity to make it bigger. But instead we are worried about Clinton Street.

Mayor Nowick commented that the culvert was incredibly frustrating. The City talked to FEMA - we wanted to increase the size and move the culvert to the parking lot, but that was "mitigation" and not "restoration." FEMA only allows you to return it to pre-Ida conditions. We couldn't leave the hole or have the City pay for the entire project, so we had to take the FEMA money and restore the same culvert. The USDA grant was different and there was a lot of mitigation built into it. Riprap has a mitigation effect on storms. Councilman Lide commented that the people in my street would have liked to know that.

Councilwoman Lambert thanked everyone for coming and for the comments and emails that have been a lot to think about. She thanked the Construction Official and John Miller. She said she was in agreement with fellow Council members and the Mayor, and thinks we should drive toward strengthening the Steep Slope Ordinance and Stormwater Management. She thanked Helen Pettit for her comments about the Master Plan and Environmental Inventory. She said she understands the importance of the 500 year flood plain and she feels like we need to balance this and we should really take considered & deliberate steps because there is a financial impact to our property owners and residents.

Councilwoman Kominsky thanked John Miller for coming. She encourage people to talk to Mr. Miller about flood insurance because he has a “PHD in flood insurance.” She thanked Helen Pettit for reinforcing the idea of planning. The foundation of sustainability and resiliency is our land use and planning. We have to adjust to the reality of things like climate change and flooding. Instead of riverine flooding, now we are seeing flash flooding. It’s different and we do need to catch up to that.

Mayor Nowick echoed the thank you’s.

## **ANNOUNCEMENTS**

Mayor Nowick read the announcements into the record.

**Sparkle Week:** the dates for Sparkle Week are listed on the meeting agenda and will be on the city’s website.

### **MAY 2 AND MAY 3, 2023**

*Zone One* - Tuesday pick-ups:

Begins at Church Street and goes south to Route 29, includes Bridge Street, Ferry Street, Swan Street, Mount Hope Street and Canal Street. It also includes Curley Lane, Grants Alley and Washington Street.

*Zone Two:* - Wednesday pick-ups:

Includes Cottage Hill, Connaught Hill and Music Mountain.

### **MAY 11 AND MAY 12, 2023**

*Zone Three* – Thursday pick-ups:

Begins at Church Street, runs north to Delaware Avenue.

*Zone Four* – Friday pick-ups:

Begins the north side of Delaware Avenue, runs north to Cherry Street, and includes Lamberts Hill and Blair Tract.

**2023 Budget:** The Finance Team meets weekly and we hope to introduce on the 16<sup>th</sup>.

**Closson Property** – we want to spend time delving into this, but it is a little while longer.

**Street Sweeper** will resume the normal schedule beginning Monday, April 3, 2023



City of Lambertville  
Work Session  
7:00 p.m. Thursday, March 2, 2023  
Phillip L. Pittore Justice Center, 25 South Union Street  
\*\*\*MEETING MINUTES\*\*\*  
Page Number 9

#### Convenience Center Hours

Saturday, March 4, 2023, from 9 am to Noon  
Wednesday, March 15, 2023, from 3 pm to 5pm  
Saturday, March 18, 2023, from 9 am to Noon  
Saturday, April 1, 2023, from 9 am to 12 noon  
Wednesday, April 19, 2023, from 3 – 5 pm  
Saturday, April 15, 2023, from 9 am to 12 noon

Landlord Registration is due no later than March 31 to avoid the \$50.00 penalty.

#### **PUBLIC PARTICIPATION**

Mayor Nowick opened the public participation section of the meeting for comments.

##### In-person

Judy Gleason of Lambertville: Ms. Gleason asked about the one-year contract for ACO and the standards that will be used to measure “success.” It will be difficult if we don’t have standards that are clear. Mayor Nowick responded that for any new contractor, he schedules a formal six month review that involves a discussion and Council has an opportunity to weigh in. It will be done with each of the new professionals.

Councilwoman Lambert commented that for any individual who performs a service, it’s helpful to have a list of expectations or criteria on the things for which they will be measured. Goals and objectives for the year. Mayor Nowick said he is open to that. Councilwoman Lambert volunteered to help.

##### Zoom – none

Mayor Nowick asked for a motion to close the public participation portion of the meeting. Councilwoman Kominsky made the motion, Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**CLOSED SESSION:** Closed Session of the Governing Body of the March 2, 2023 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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

The members of the public were informed that action may be taken after the closed session.

#### **RESOLUTION**

*“Authorizing a Closed Session at the March 2, 2023 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)(7).”*

City of Lambertville  
Work Session  
7:00 p.m. Thursday, March 2, 2023  
Phillip L. Pittore Justice Center, 25 South Union Street  
\*\*\*MEETING MINUTES\*\*\*  
Page Number 10

**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 March 2, 2023, using the virtual meeting platform Zoom, to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

**BE IT FURTHER RESOLVED** that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

ADOPTED: March 2, 2023

Mayor Nowick and City Council convened in closed session at 8:55 p.m. with a motion made by Council President Stegman and seconded by Councilman Lide. 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 9:28 p.m. with a motion made by Councilwoman Kominsky and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **ADJOURNMENT**

Mayor Nowick asked for a motion to adjourn the meeting at 9:28 p.m. Councilwoman Kominsky made the motion to adjourn. Councilwoman Lambert 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