



**CITY OF LAMBERTVILLE  
VOTING SESSION  
6:30 P.M. THURSDAY, APRIL 20, 2023  
PHILLIP L. PITTORE JUSTICE CENTER  
25 SOUTH UNION STREET  
\*\*\*MEETING AGENDA\*\*\***

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

Mayor Nowick called the meeting to order at 6:30 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 posting of the annual notice with the Trenton Times and the Hunterdon County Democrat; the meeting notice was provided to members on the list serve, department heads, the City Attorney and City Engineer; and the meeting agenda was posted on the Bulletin Board at City Hall and on the city's website at [www.lambertvillenj.org](http://www.lambertvillenj.org).*

*The meeting agenda provides for action items known at the time of publication and is subject to change.*

*This meeting is being streamed live using the Zoom Meeting Profile and will be recorded.*

**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 & 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 for those suffering from mental illness.

**CLOSED SESSION:** The Governing Body will go into Closed Session at 6:30 p.m. to discuss Attorney/Client Privileged matters related to contracts pursuant to N.J.S.A. 10:4-12(b)(7). They will reconvene in open session at 7:00 p.m.

Mayor Nowick asked for a motion to go into closed session at 6:32 p.m. to discuss contracts pursuant to N.J.S.A. 10:4-12(b)(7). Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**RESOLUTION**

*“Authorizing a Closed Session at the April 20, 2023 Lambertville City Council Meeting to Discuss Attorney/Client Privileged Matters Related to 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

City of Lambertville  
Voting Session  
6:30 p.m. Thursday, April 20, 2023  
Phillip L. Pittore Justice Center, 25 South Union Street  
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**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 April 20, 2023, in-person at the Phillip L. Pittore Justice Center, to discuss attorney/client privileged matters related to 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: April 20, 2023

Mayor Nowick asked for a motion to reconvene in open session at 6:57 p.m. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **APPROVAL OF MINUTES**

Mayor Nowick asked for a motion to approve the following sets of minutes: March 2, 2023 Work Session, March 2, 2023 Closed Session, March 16, 2023 Voting Session, April 6, 2023 Work Session, and April 6, 2023 Closed Session. Council President Stegman made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

### **ADMINISTRATIVE REPORTS**

Mayor Nowick gave a shout out to Crystal Lawton from the Construction Office and recognized the hours devoted to collecting fees due for fire prevention. He also announced that Jessie Kerr got her CDL license and she can now drive the garbage trucks. This gives the City flexibility with employees for vacation and sick time. Council President Stegman asked for additional details in the Construction Report.

Mayor Nowick asked for a motion to approve the following Administrative Reports: Clerk's Report, Construction Office, Court Report, Fire Official's Report, Police Office, Public Works Department, and the Tax Collector's Report. Council President Stegman 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.

### **PUBLIC PARTICIPATION**

Mayor Nowick opened the meeting for public participation. He announced that after consideration, the City will allow public comment on any issue at the beginning and end of each session as a trial for the next couple of months. He noted that when he was in Atlantic City at the Mayor's Conference last week and brought up the topic, not one single Mayor offers more than one public comment period.

Judy Gleason of Lambertville: Ms. Gleason asked about the shared services agreement with Library and the consent agenda.

I thought shared services was between county and municipality, not between the City and an entity of the City. Also, can we know more about what that shared services agreement entails? The agreement mentions maintenance, it would be nice to know what exactly it's talking about. To the second item, anything more you can say about consent agenda items would be great.

Paul Stevens of Lambertville: Mr. Stevens asked that in the case of amending ordinances, if the City would be able to somehow note the changes in the documents, because it is hard to figure out what is being amended. In the past we had agendas and all the changes were highlighted - that would help educate the public and allow us to have more useful comments.

Margaret Carmelli, representing Maxwell Assets: Ms. Carmelli asked about the public comment process on the flood damage prevention ordinance. The City Attorney explained that the ordinance was passed on first reading but there are changes, so if the Council votes to accept the changed language tonight, the hearing would then be carried to the next meeting, allowing the Council and the public at least a week to digest and review before the vote on May 4<sup>th</sup>. Tonight we would only be voting on accepting the amended language for the ordinance.

Mayor Nowick commented that the changes include one clause that needs to be removed. We can vote to accept the change and remove it tonight, keeping the public hearing scheduled for May 4<sup>th</sup>.

Ms. Carmelli commented that earlier today Maxwell Assets submitted a letter with comments. She said it was not their goal to be obstructionist. They felt that the rug was pulled out from under them with the change to the definition of a historic structure. The language proposed was straight from FEMA, but rejected by the DEP. There is no value right now because of the definition. We also were told that the language we had suggested to be added to the fair market value section in Chapter 4 couldn't be included because it would qualify as a "substantial change." We would like to ask again for that to be included.

Bill Neely of Lambertville: Mr. Neely commented that his property was damaged by Hurricane Ida and he is in the process of filing for permits. This ordinance has been in place since 1981, so he couldn't understand why contractors and architects were unfamiliar with its requirements. He has written about need for guidance and visuals to explain this to property owners. He understands importance of making the City more resilient and he urges the Governing Body to do better.

Mayor Nowick asked for a motion to close the public participation session. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick responded to the questions as follows:

The agreement between the City and Library lays out things concretely. The Library was dissatisfied with its relationship with the City and at the beginning of the year, the Library Board voted to withdraw from the City. The Mayor worked with the Library Board to craft the shared services agreement. The withdrawal of the Library leaves a \$60,000 hole in the City budget. The agreement will be posted once it is adopted. There isn't much to it - we will maintain certain

elements of the Library, and continue to do payroll for 3 employees until they can get them onto the Library payroll.

Regarding posting the changes to the amended ordinances he said he wanted to discuss it further with the City Clerk. There are often many drafts floating around, and we don't want to cause any confusion for the public. But the Mayor is happy to have a conversation with the staff and find a solution.

Mayor Nowick thanked Ms. Carmelli and Maxwell Assets and he said he was grateful for their work and their feedback.

Regarding the Historic Structures: the Flood Prevention Ordinance has been in place for many years, and this is not something we have dealt with on a granular level. Working through this Ordinance has brought a lot to light. He complimented Council President Stegman for his input and for the questions asked, and we are still struggling through it. I am committed to seeing that the residents are treated as generously as possible.

## **2023 BUDGET**

### **CAP BANK ORDINANCE INTRODUCTION**

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this will allow the City to bank unused funds the next two years of budget cycles.

#### **ORDINANCE NUMBER 15-2023**

#### **CALENDAR YEAR 2023**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Lambertville City in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 41,313.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Lambertville City, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the City of Lambertville City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 144,597.26 and that the CY 2023 municipal budget for the City of Lambertville City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

Mayor Nowick asked for a motion to introduce Ordinance Number 15-2023 on first reading with a public hearing scheduled for May 18, 2023. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **INTRODUCTION OF THE 2023 BUDGET**

Mayor Nowick announced a Special Session of the Governing Body scheduled for May 11, 2023 to review and discuss the 2023 Budget. The budget will be on the website tomorrow, and the budget message will be out next week. The Outstanding debt service and the User friendly will be posted sometime to the website next week. The public hearing on the budget will be at the May 18, 2023 regularly scheduled session.

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

## **PROCLAMATION**

### **A Proclamation to Recognize National Child Abuse Prevention Month**

Mayor Nowick read the proclamation into the record by title and he asked for a motion to adopt the proclamation recognizing National Child Abuse Prevention Month.

*A Proclamation on National Child Abuse Prevention Month, 2022*

WHEREAS, Every child deserves to live in a safe and loving household; yet, for hundreds of thousands of children across our Nation, abuse and neglect are a tragic reality.

WHEREAS, Child abuse crosses all socioeconomic and educational levels, religions, and ethnic and cultural backgrounds.

WHEREAS, We know that abuse and neglect negatively impact every aspect and stage of a child's life: the ability of students to succeed in school; hinders their ability to forge healthy relationships with their loved ones and peers; and may lead to involvement in the juvenile justice system;

WHEREAS, the American Rescue Plan provided cash assistance to millions of working families and expanded the Child Tax Credit, which lifted millions of children and families out of poverty; supplied critical funding to support State and community child abuse prevention and response efforts; and authorized an additional \$250 million for community-based child abuse prevention programs.

WHEREAS, It is also a time to identify and take the necessary steps to address inequities experienced by those who have been historically underserved and adversely affected by continuous poverty and inequality. Reducing child poverty is critical to reducing the disproportional representation of low-income children and families — especially communities of color — in the child welfare system and foster care.

WHEREAS, During National Child Abuse Prevention Month and throughout the year, President Biden calls upon everyone to stand together against child abuse and neglect and show our appreciation of the hardworking child-welfare workforce and allies who are steadfast in their commitment to strengthening families, protecting children, and combating systemic inequities.

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 April 2023 is recognized as National Child Abuse Prevention Month.

BE IT FURTHER RESOLVED that by joining together as a Nation to promote the safety and well-being of all children and families and to recognize the child-welfare workforce and allies who work tirelessly to protect our children. And we honor the strength and resilience of adult survivors of child abuse.

ADOPTED: April 20, 2023

Andrew J. Nowick  
Mayor

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

### **Arbor Day**

Mayor Nowick read the proclamation into the record and asked for a motion to adopt the Arbor Day Proclamation.

### *Proclamation*

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Andrew J. Nowick, Mayor of the City of Lambertville, do hereby proclaim April 28, 2023, as Arbor Day in the City of Lambertville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 20th day of April, 2023

Council President Stegman 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.

## **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 gave a quick overview of the consent agenda resolutions. Resolution Number 66-2023 approved a dedication by rider for accumulated absences, and allows city to set aside funds to be used solely for accumulated absences. Resolution Number 70-2023 authorizes a contract for Triad to administer the small cities grant. Councilman Lide asked if the tow ordinance required background checks. The City Clerk confirmed that it was in the ordinance.

Mayor Nowick asked for a motion to adopt the resolutions listed on the consent agenda, including Numbers 63-2023 through 70-2023.

**RESOLUTION NUMBER 63-2023:** *A Resolution to Authorize Refunds for Escrow Accounts and Bulk Trash Pick-up*

### **RESOLUTION NUMBER 63-2023**

*A Resolution to Authorize Refunds of Escrow and Bulk Trash Pick-up*

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 of escrow accounts and bulk trash pick-ups are hereby authorized:

Escrow

Donna Knechel	263 North Union Street	\$522.90
River Spoke, LLC	237 N Union Street	\$1,153.10
Kabir Nath	115 N Union Street	\$342.03
Thomas Larkin	83 Douglas Street	\$500.00

Bill Barish	65 Wilson Street	\$20.07
Two Four Six Eight Properties, LLC	72 Bridge Street	\$271.66
Dennis Sutton	241 N Main Street	\$370.52
Peter Golden	15-17 Bridge Street	\$2,699.29
Diane Dona	22 Jefferson Street	\$200.86
Pine Valley Holdings, LLC	278 N Union Street	\$5,000.00
Keith Harmis	55 Lambert Lane	\$5650
Michael Matturro	81 York Street	\$7.89
Mark Van Burik, DBA MVB Homes, LLC	42 Buttonwood Street	\$402.02
Emanule Della Valle	51 Coryell Street	293.00

**Bulk Trash Pick-Up**

- Jake Maley for a Bulk Trash Pick-Up in the amount of \$45.00
- Overpayment of Temporary Food Licenses for Shad Festival
- AMA Pizza & Gelato/Michael Confuorto in the amount of \$12.00
- Maui Lu Hawaiian BBQ/Lori Maher in the amount of \$12.00

**RESOLUTION NUMBER 64-2023: A Resolution to Authorize Change Order 1 for the George Street Improvement Project for Reivax Contracting Corp. in the Amount of \$-47,403.20**

**RESOLUTION NUMBER 64-2023**

*A Resolution to Authorize Change Order 1 for the George Street Improvement Project Completed in the Fall of 2020, for Reivax Contracting Corporation Reducing the Contract from \$217,590.80 to \$170,187.60 for A Total Reduction of \$-47,403.20*

WHEREAS, the City of Lambertville received a grant from the State of New Jersey, Department of Transportation for the repaving of George Street from York to Elm Street; and

WHEREAS, Suburban Consulting Engineers was the City Engineer; and

WHEREAS, there were final punch list items that needed to be completed when COVID 19 caused a delay; and

WHEREAS, while closing out the grant, Suburban Consulting Engineers advised of a change order to reduce the contract with Reivax by \$47,403.20.

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 contract with Reivax is hereby reduced by \$-47,403.20, amending the contact amount from \$217,590.80 to \$170,187.60

ADOPTED: April 20, 2023

**RESOLUTION NUMBER 65-2023: A Resolution to Authorize the Shared Services Agreement with the Lambertville Free Public Library**

**RESOLUTION NUMBER 65-2023**



A Resolution to Authorize the Mayor, City Attorney and City Clerk to execute the Shared Services Agreement with the Board of the Lambertville Free Public Library

WHEREAS, there is a need to establish guidelines to manage and coordinate administrative and maintenance for the Lambertville Free Public Library; and

WHEREAS, the Shared Services Agreement outlines the responsibilities of both parties for the administrative role in the completion of payroll and pension and the maintenance of 6 Lilly Street.

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 Mayor, City Attorney and City Clerk are hereby authorized to execute the Shared Services Agreement with the Board of the Lambertville Free Public Library.

ADOPTED: April 20, 2023

RESOLUTION NUMBER 66-2023: A Resolution to Authorize the Dedication by Rider for the Accumulated Absences Budgeted for Employees of the City of Lambertville

RESOLUTION NUMBER 66-2023

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ACCUMULATED ABSENCES

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

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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

1. The City Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "fee-based" recreation programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted: April 20, 2023

RESOLUTION NUMBER 67-2023: A Resolution to Amend Resolution Number 106-2013, Establishing Towing Fees in Accordance with Ordinance Number 07-2023

**RESOLUTION NUMBER 67-2023**

*A Resolution to Establish the Towing Fees In Accordance with Ordinance Number 07-2013*

**WHEREAS**, section 5.44.040 Application fees of Ordinance Number 07-2013, for Towing requires the Mayor and Council to adopt a resolution establishing the towing fees, and

**WHEREAS**, all application fees submitted to the City are nonrefundable and shall be utilized to offset the cost of processing of the application and license.

- A. Initial application fee \$200.00.

B. Renewal application fee \$150.00.

**WHEREAS**, in accordance with Ordinance Number 07-2013, the maximum fee rate schedule will be set by resolution and is as follows:

<b>A. Basic Towing Services – New 2023 Rates</b>	
Light Duty – up to 10,000 lbs. ....	\$155.00 hook up
Mileage .....	\$7.00 per mile
Medium Duty – 10,001 – 16,000 lbs. ....	\$300.00 per hour
Heavy Duty – 16,001 lbs. and above .....	\$500.00 per hour
Decoupling fee (if not is not performed) .....	\$1/2 of basic rate

<b>B. Storage Fees.</b>	
Cars/Light Trucks/Cargo/Accident Debris, etc. (10 x 20 Space)	\$ 50.00 per day
Trucks (Dual Wheels)/Single Axle .....	\$125.00 per day
Tractor/Dump Truck/Tractor and Trailer Combo/Trailers .....	\$125.00 per day
Buses .....	\$150.00 per day
Roll-off .....	\$125.00 per day
Rental of Any Tow Company Supplied Trailer Post Incident ....	\$500.00 per day

**C. Mileage Fees**

Gasoline and Diesel Fuel rates shall be set by the U.S. Energy Information Administration posted on the following website: <https://www.eia.gov/petroleum/gasdiesel/>

**Fees Charged to the City of Lambertville/Rate Schedule**

**A. Basic Towing Services.**

Days (8:00 a.m. to 4:30 p.m.) ..... \$80.00 flat rate

**B. Storage Fees.**

Inside storage per 24 hours (must have been requested) . . . . .

Set at a rate that is mutually agreed upon between the two parties.

Outside storage per 24 hours . . . . .

\$30.00 per day for the first 30 days

\$20.00 per day beginning the 31<sup>st</sup> day and any day thereafter

Maximum of \$500.00 regardless of the duration of storage.

Other Services which may be charged to the City and/or the public include the following: Tire changing, jump starts, fuel, etc., shall be at the basic rate set out in subsection A of this section. Cleaning up and bagging of liquid spills is an additional expense of \$-50.00 per hour and excludes fees associated with hazardous materials. Additional services as may be required for recovery such as up-righting of vehicle, etc. which are considered to be "special cases" for which a fee of \$30.00 per half hour, per vehicle after the first half hour on the scene for these special cases may be charged.

“After Hours Pickup” from storage facility shall be an additional \$85.00.

"Stand-by" time at scene of major accidents when so required by police shall not exceed fifty dollars (\$50.00) per hour in addition to above and does not include heavy duty towing.

"Basic towing service" means the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

"Reasonable Yard Charge" means a one-time charge for crash vehicles that are leaking fluids and stored in the tow operators yard.

"Additional Fees" means charges not mentioned in this ordinance which are prohibited.

**NOW THEREFORE BE IT RESOVLED** by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the aforementioned fees for Towing are hereby authorized upon the adoption of Ordinance Number 07-2013 and shall continue in effect until amended by resolution of the governing body.

**ADOPTED:** April 20, 2023

**RESOLUTION NUMBER 68-2023:** *A Resolution in Support of the Green Acres Application for Open Space Preservation of 260 North Main Street (Closson Property)*

**RESOLUTION NUMBER 68-2023**

*A Resolution in Support of the Green Acres Application for Open Space Preservation of 260 North Main Street (Closson Property)*

WHEREAS, the City of Lambertville purchased 260 North Main Street in the City in May of 2021; and

WHEREAS, an application for open space preservation was filed with the State of New Jersey's Department of Environmental Protection, Green Acres in August of 2021; and

WHEREAS, the Governing Body is interested in pursuing additional grants to offset the cost of the purchase of the property for the open space preservation that includes, but is not limited to, the Hunterdon County Land Preservation Trust; and

WHEREAS, the Governing Body form the Community Advisory Team to solicit input from the community for potential uses of the property; and

WHEREAS, Hurricane Ida severely impacted the Governing Body's ability to move forward with the planning phase for the Open Space Preservation.

**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, is supportive of the application to Green Acres for the preservation of Open Space as reflected in the map titled Exception Area, Open Space Funded A and Open Space Funded B prepared on August 11, 2021 by Clarke Caton and Hintz, the City Planner.

**ADOPTED:** April 20, 2023

**RESOLUTION NUMBER 69-2023:** *A Resolution in Support of Solicitation for An Appraisal of the Log Cabin, Farm Market Located at 260 North Main Street (Closson Property) to Include a Recommendation for Subdivision of the Properties and to Exclude Open Space Funded A and B as Reflected on the Exclusion Map Prepared by Clarke Caton and Hintz in August of 2021*

**RESOLUTION NUMBER 69-2023**

*A Resolution in Support of Solicitation for An Appraisal of the Log Cabin, Farm Market Located at 260 North Main Street (Closson Property) to Include a Recommendation for Subdivision of the Properties and to Exclude Open Space Funded A and B as Reflected on the Exclusion Map Prepared by Clarke Caton and Hintz in August of 2021*

WHEREAS, the City of Lambertville purchased 260 North Main Street in the City in May of 2021 for the purpose of Open Space Preservation; and

WHEREAS, the City has received approval from the State of New Jersey, Department of Environmental Protection for Open Space Preservation through its Green Acres Program for Open Space Funded A and B as designated on the Exclusion Map created by Clarke Caton and Hintz in August of 2011; and

WHEREAS, the intent is to hire a professional appraiser who can assist the Governing Body with the following:

- 1: Subdivision of the Log Cabin and the Farm Market from the Historic House and Open Space; and
- 2: Provide appraisals for the Log Cabin and Farm Market for the potential sale of both properties.

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 Mayor, City Professionals (Attorney, Planner, Engineer) and City Clerk are hereby authorized to solicit for an appraiser who can make a recommendation to the Governing Body for subdivision of the property for the intent of sale of the Log Cabin and Farm Market and provide an appraisal for the same.

ADOPTED: April 20, 2023

**RESOLUTION NUMBER 70-2023:** *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute a Contract with Triad for Advisory Services to Administer the Small Cities Grant, At An Hourly Rate Not to Exceed \$225.00 Per Hour, and An Annual Rate Not to Exceed \$1,500.00.*

RESOLUTION NUMBER 70-2023

*A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute a Contract with Triad for Advisory Services to Administer the Small Cities Grant, At An Hourly Rate Not to Exceed \$225.00 Per Hour, and An Annual Rate Not to Exceed \$1,500.00.*

WHEREAS, the City of Lambertville received a Small Cities Grant from the State of New Jersey for the purpose of rehabilitation of properties in the City; and

WHEREAS, the applicants need to be income qualified by a certified agency; and

WHEREAS, Triad is an agency certified to administer the grants.

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 Mayor, City Attorney and City Clerk are hereby authorized to execute the contract with Triad to income qualify applicants for the Small Cities grant at an hourly rate not to exceed \$225 and an annual, contract rate not to exceed \$1,500.00.

ADOPTED: April 20, 2023

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

## **APPROVAL OF THE BILLS LIST**

Mayor Nowick asked for a motion to approve the Bills List. Council President Stegman made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **ORDINANCES – FIRST READING**

Mayor Nowick informed the members of the public that the Ordinances listed for first reading are a requirement of the City's MS4 Tier A permit with the State of New Jersey. We had several ordinances on our books, but they needed to be amended to include language required by the State of New Jersey. The dumpster ordinance requires that dumpsters have lids and liners to prevent leakage to the City's waterways.

**ORDINANCE NUMBER 09-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4 Police Regulations, Section 4-1 Littering Prohibited*

Mayor Nowick read Ordinance Number 09-2023 into the record and he asked for a motion to introduced on first reading with a public hearing scheduled for May 18, 2023.

### **ORDINANCE NUMBER 09-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Littering Prohibited*

#### **§ 4-1. LITTERING PROHIBITED.**

##### **§ 4-1.1 Purpose:**

An ordinance to establish requirements to control littering in **City of Lambertville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### **4.2. Definitions :**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**AUTHORIZED PRIVATE RECEPTACLE** — Shall mean a litter storage and collection receptacle provided by the owner or occupier of private premises.

**COMMERCIAL HANDBILL** — Shall mean any printed or written matter, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature:

- a. Which advertises for sale any merchandise, product, commodity or thing; or
- b. Which directs attention to any business or mercantile or commercial establishment or any activity for the purpose of either directly or indirectly promoting the interest thereof by sale, or

- c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of the clause shall not apply where an admission fee is charged or a collection is taken for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by a law of this State or under any ordinance of this City; or
- d. Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the profit, benefit or gain of any person so engaged as advertiser or distributor.

**LITTER** —any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

**LITTER RECEPTACLE** – a container suitable for the depositing of litter.

**NEWSPAPER** — Shall mean any newspaper of general circulation as defined by general law. Any newspaper duly entered with the post office department of the United States in accordance with Federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

**NONCOMMERCIAL HANDBILL** — Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definition of a commercial handbill or newspaper.

**PARK** — Shall mean a park, reservation, playground, recreation center or any other public area of the City or other public entity devoted to active or passive recreation by the public.

**PERSON** — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**PLURAL** — Shall mean and include the singular number and words used in the singular number shall include the plural number.

**PRIVATE PREMISES** — Shall mean any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch,

steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**PUBLIC PLACE** — Shall mean any and all streets, roads, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and building.

**VEHICLE** — Shall mean every device in and upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

**§ 4-2.1. Litter in Public Places. [1990 Code § 4-1.2]**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, except in public receptacles for collection.

**§ 4- 2.2. Placing Litter in Receptacles to Prevent Scattering. [1990 Code § 4-1.3]**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or upon private property.

**§ 4- 2.3. Sweeping Litter into Streets Prohibited; Sidewalks to Be Free of Litter. [1990 Code § 4-1.4]**

- a. No person shall sweep into or deposit in any gutter, street or public place within the City the accumulation of litter from any building or lawn or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalk in front of their premises free of litter.
- b. Litter in Public Places Prohibited. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

**§ 4- 2.4. Throwing Litter from Vehicles. [1990 Code § 4-1.5]**

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the City or upon private property.

**§ 4- 2.5. Distribution of Handbills. [1990 Code § 4-1.6]**

- a. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any sidewalk, street, or other public place within the City. Nor shall any person distribute or sell any commercial handbill or newspaper in any public place, provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof any noncommercial handbill or newspaper to any person willing to accept it.
- b. Placing on Vehicles. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill or newspaper to any occupant of a vehicle who is willing to accept it.

- c. Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant. Subsection 4-1.7 shall apply hereto.
- d. Posted Property. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements" or any similar notice indicating in any manner that the occupant of the premises does not desire to have their right of privacy disturbed or to have any such handbills or newspapers left upon such premises. Subsection 4-1.7 shall apply hereto.
- e. Inhabited Private Premises. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper in or upon private premises which are inhabited, except by handing or transmitting the same directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in the case of inhabited private premises which are not posted as provided in this section such person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill or newspaper in or upon such inhabited private premises if the same is so placed or deposited as to secure or prevent the same from being blown about such premises or sidewalks, streets or other public places, and the same is not placed upon the surface of the ground. Mailboxes may not be used when so prohibited by Federal postal law or regulations, but private boxes may be used when so provided.

**§ 4- 2.6. Mail. [1990 Code § 4-1.7]**

The provisions of this section shall not apply to the distribution of mail by the United States or its agents or legally authorized deliverers.

**§ 4- 2.7. Litter on Occupied Private Property. [1990 Code § 4-1.8]**

No person shall throw or deposit litter on any occupied private property within the City whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried, or deposited by the elements upon any street, sidewalk, or other public place, or upon any private property.

**§ 4- 2.8. Owner to Maintain Premises Free of Litter. [1990 Code § 4-9.3]**

Person in control of any private property shall at all times maintain the premises free of litter. Provided, however that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

**§ 4- 2.9. Litter on Vacant Lots. [1990 Code § 4-1.10]**

No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

**§ 4- 2.10. Violations; Penalties. [1990 Code § 4-1.11]**

Any person who violates this section shall, upon conviction, be liable to the penalty set forth in Chapter 1, Section 1-5.

**4.3. Enforcement:**

This ordinance shall be enforced by the **Police Department** of the City of Lambertville.



**SECTION VI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

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

**ORDINANCE NUMBER 10-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Section 11, Wildlife Feeding Ordinance*

Mayor Nowick read Ordinance Number 10-2023 into the record and he asked for a motion to introduce on first reading with a public hearing scheduled for May 18, 2023.

**ORDINANCE NUMBER 10-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Section 11, Wildlife Feeding Ordinance*

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 Chapter 4-11.4 through 4-11.5 is hereby repealed and replaced with the following language:

**4-11.4. Purpose:**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by **the City of Lambertville** so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**4-11.5. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

**4-11.6. Prohibited Conduct:**

- a. No person shall feed, in any public park or on any other property owned or operated by **the City of Lambertville**, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**4-11.7. Enforcement:**

- a. This ordinance shall be enforced by the **Police Department of the City of Lambertville**.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**4-11.8. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

**4-11.9. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

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

**ORDINANCE NUMBER 11-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter XII, Sanitation, Section 3, Dumpsters, Refuse Containers, Dumpsters & Pods*

Mayor Nowick read the ordinance into the record by title and he asked for a motion to introduce Ordinance Number 11-2023 on first reading with a public hearing scheduled for May 18, 2023.

**ORDINANCE NUMBER 11-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter XII, Sanitation,*

*Section 3, Dumpsters, Refuse Containers, Dumpsters & Pods*

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 Chapter XII: Sanitation; Recycling, Section 3, Dumpsters is hereby repealed and replaced with the following language:

**SECTION 3. REFUSE CONTAINERS, DUMPSTERS AND PODS**

**3.1 Purpose:**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the **City of Lambertville** and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **3.2 Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

*City* shall mean the City of Lambertville.

*Municipal separate storm sewer system (MS4)* – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

*Person* – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

*Refuse container* – any waste container that a person controls whether owned, leased, or operated, including dumpsters, bagsters, trash cans, garbage pails, and plastic trash bags.

*Dumpster* shall mean a container or debris-transfer body commonly used for the placing and/or collection of debris and building materials during building construction and/or renovations which, for the purposes of this section, shall include movable storage units containing refuse or debris.

*POD* shall mean a container for the purpose of storing items used for the placing and/or collection of household items, furniture, and or supplies.

*Stormwater* – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

*Waters of the State* – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### **3.3 Prohibited Conduct:**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City of Lambertville.

### **3.4 Exceptions to Prohibition:**

- Permitted temporary demolition containers
- Litter receptacles (other than dumpsters or other bulk containers)

- Individual homeowner trash and recycling containers
- Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

### **3.5 DUMPSTERS**

#### **Permit Required.**

No person shall encumber or obstruct any street or other public place in the City by placing therein or thereon any dumpster or other similar container commonly used for the collection of building materials, except in compliance with the provisions of this section and with a permit issued in accordance herewith.

#### **3.6 Permit Application:**

Any person desiring a permit shall make written application therefor to the City Clerk specifying the exact proposed location of such dumpster, contain or other receptacle, the size and capacity thereof, the name and owner of the abutting property, the length of time that the use is required, and such other information as may be required by the City Clerk.

All such dumpsters or similar containers shall bear an identification number assigned by the State, and the name, address and telephone number of the person responsible therefor.

All such dumpsters, containers or other receptacles that remain on the public streets or sidewalks during the hours between sunset of one day and sunrise of the next day shall be equipped with suitable reflectors, or such other warning devices, as may be required by the City Clerk. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of 500 feet.

Unless the length of time on the subject permit is specified, any permit issued pursuant to this section shall only be valid for 48 hours.

#### **3.7 Permit Term; Expiration, Additional fees is amended as follows:**

No permit shall be granted by the City Clerk for a term longer than seven (7) days.

#### **3.8 Fees and Deposits**

The application for a permit shall be accompanied by a fee as outlined below. In addition, the City Clerk may in her discretion require an indemnity deposit not to exceed \$500.00 to reimburse the City for the cost of any extraordinary cleanup or repairs which may be incurred by the City as a result of the use permitted. This deposit, or any unused portion thereof, shall be refunded in the event that there are no extraordinary cleanups or repairs.

Permits issued within a six-month time frame shall pay the following fees:

- Permit 1, initial application, seven (7) day period: \$50.00
- Permit 2, second application, seven (7) day period: \$100.00
- Permit 3, third application, seven (7) day period: \$125.00
- Permit 4, fourth application, seven (7) day period: \$150.00

- e. Permits issued beyond four weeks within a six-month time frame shall only be granted for special circumstances which shall be outlined in a letter to the City Clerk. The fee shall be \$175.00 per week beyond the initial four-week time frame and must receive approval from the following departments: Public Works, Police Department, and the Clerk.

Upon the expiration of the permit, the permit holder shall remove or cause to be removed the dumpster, POD or similar container from the sidewalk, street, or public place.

There shall be a limit of one unit (dumpster or POD) for each occurrence.

Failure to remove the dumpster, POD, or container after the expiration of the permit shall result in a fine of \$500.00 per occurrence.

Applicants can submit a letter outlining their hardship and requesting relief from the limitations to the Governing Body. The Governing Body will hear such requests at the next session and will make a determination to waive based on the hardship.

### **3.9 Refusal or Revocation Permit**

The City Clerk may in her discretion refuse to issue a permit if she deems same to constitute a danger to public safety, or an unwarranted interference with the efficient movement of traffic.

The City Clerk may revoke a permit for the same reasons, and if the dumpster or similar container is not removed within 24 hours after notification, may arrange to have the same removed by the company at the property owner's cost and expense.

If the City Clerk shall determine that an emergency situation exists with regard to the dumpster or other similar container, she may remove same without notice, at owner's expense.

### **3.10 Restriction on Location and Placement**

No dumpster or other similar container shall be placed within 10 feet of a fire hydrant.

No dumpster or similar container shall be placed within five feet of an adjacent property owner's driveway.

No dumpster or other similar container shall be placed closer than 25 feet from an intersection or further than six inches from the curb.

The area beneath and surrounding the dumpster or other similar container shall be kept cleaned, and upon removal of same, the street or roadway shall be swept clean of all loose debris and restored to its former condition.

The dumpster or other similar container shall not be filled higher than four inches from the top edge to prevent debris or materials from fall or being blown onto the streets.

All dumpsters or containers placed at the curb or in the street must have covers.

### **3.11 Insurance**

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named additional insured's and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of such dumpster or other similar container. Such policy or certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and \$50,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the City Clerk.

### **3.12 Enforcement:**

This ordinance shall be enforced by the Department of Public Works and/or the Police Department of the City of Lambertville.

**3.13 Violations and Penalties:**

Any dumpster or similar container in violation of this section shall be removed by the permit holder after 12 hours oral notice given to the owner thereof by the City Clerk.

Notwithstanding paragraph a above, any dumpster or other similar container situated in such a manner as to obstruct an adjacent owner's driveway or create traffic or road hazard shall be moved immediately upon notice given to the owner thereof by the Police Department.

Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5 General Penalty.

**3.14 Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**3.15 Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

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

**ORDINANCE NUMBER 12-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 12 Sanitation; Recycling, Section 2.9 Weeds, Shrubbery Clippings, Limbs, Branches and other Garden Waste; Collection to be Made by Public Works: Yard Waste Collection Program*

Mayor Nowick read the Ordinance into the record by title and he asked for a motion to introduce Ordinance Number 12-2023 on first reading with a public hearing scheduled for May 18, 2023.

Ordinance Number 12-2023

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 12  
Sanitation; Recycling, Section 2.9 Weeds, Shrubbery Clippings, Limbs,  
Branches and other Garden Waste; Collection to be Made by Public Works:  
Yard Waste Collection Program*

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 section 2.9 Weeds, Shrubbery Clippings, Limbs, Branches and other Garden Waste; Collection to be Made by Public Works, changing the title to read "Yard Waste Collection Program" and replacing the section with the following information:

**2 . 9 Purpose:**

An ordinance to establish a yard waste collection and disposal program in **City of Lambertville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **2.10 Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and shrubbery clippings.

#### **2 . 1 1 Yard Waste Collection**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

Beginning October 1 and ending December 31 of each year, leaves shall be placed in compostable/biodegradable bags and shall provide the public with notice of such requirement.

All weeds and similar growth clippings shall be placed in a container so that they may be easily emptied in the collector's vehicle.

Hedge and shrubbery clippings, tree trimmings and garden waste will be collected if tied in bundles not to exceed four feet in length and not to exceed two feet in diameter. The total volume placed at the curb for one day's pick up with not exceed 10 bundles and must be placed so that they will not spill out in the gutter, street or sidewalks.

**Grass Clippings:** The City does not take grass clippings.

The City will not remove and/or chip trees.

The Convenience Center is located within the Department of Public Works and will be open on a scheduled basis for residents of Lambertville to drop off leaves, shrubbery clippings, tree trimmings and garden waste. The schedule will be updated annually and posted to the City's website and bulletin board at City Hall.

#### **2.12 Enforcement:**

The provisions of this ordinance shall be enforced by **Police Department or Public Works Department.**

**2.13. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

**2.14. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**2.15. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

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

**ORDINANCE NUMBER 13-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 9, Animal Control, Section 3.3 Pet Waste, Owner Responsibilities for Removal; Penalties*

Mayor Nowick read the ordinance into the record by title and he asked for a motion to introduce Ordinance Number 13-2023 on first reading with a public hearing scheduled for May 18, 2023.

Councilwoman Lambert commented about a pet waste issue reported on Swan Street.

**ORDINANCE NUMBER 13-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 9, Animal Control, Section 3.3 Pet Waste, Owner Responsibilities for Removal; Penalties*

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 Chapter 9, Section 3.3 is hereby repealed and replaced with the following:

**9.3. Purpose:**

An ordinance to establish requirements for the proper disposal of pet solid waste in **the City of Lambertville**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**9.3-1. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.



- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**9.3-2. Pet Waste; Owner Responsibilities for Removal; Penalties.**

- a. This subsection shall apply to the owner or other person having custody or control of any dog within the City.
- b. It is unlawful for the owner or custodian of any dog to permit, suffer or allow such dog to discharge its excreta upon any public or private property other than the property of the owner or custodian. Failure to remove and clean up such animal's excreta from public or private property as provided in paragraph d is also unlawful and shall constitute a separate and distinct violation.
- c. In addition to the property of the owner or custodian, it shall be permissible to permit, suffer or allow a dog to discharge its excreta on public streets from curb to curb (not upon any sidewalk or walkway) or within the confines of public alleys provided that the owner or custodian removes and cleans up such animal's feces as provided in paragraph d.
- d. The owner or custodian of any dog shall immediately clean up and remove any dog excreta. Such excreta shall be disposed of in the sanitary sewer system or by placing same in a closed container and depositing such in a covered trash receptacle. No other form of disposal including depositing of excreta in storm sewers shall be permitted.

**§ 9-3.3. Owner of Dog Responsible for Conduct. [1990 Code § 9-2.2]**

The conduct of a dog shall be attributed to the owner thereof and the owner shall be deemed to have permitted any dog who acts contrary to the requirement of this chapter to act so and such owner shall be guilty of the violation thereof.

**9.3-4. Exemptions:**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**9.3-5. Enforcement:**

The provisions of this Article shall be enforced by the **Police Department of the City of Lambertville.**

**9.3-6. Violations and Penalty:**

Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

**9.3-7. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

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

**ORDINANCE NUMBER 14-2023:** *An Ordinance to Amend the Lambertville Zoning Ordinances, Section Z-1500 to Include Private Storm Drain Inlet Retrofitting*

Mayor Nowick noted that this Ordinance is to update the Zoning Ordinances and will be sent to the Planning Board for review and comments at their May 4, 2023 session.

Mayor Nowick asked for a motion to introduce Ordinance Number 14-2023 on first reading with a public hearing scheduled for May 18, 2023.

**ORDINANCE NUMBER 14-2023**

*An Ordinance to Amend the Lambertville Zoning Ordinances, Chapter Z-1500 to Add Section .16, Private Storm Drain Inlet Retrofitting*

**Ordinance # [§Z-1500.16] – Private Storm Drain Inlet Retrofitting Ordinance**

**A. Purpose:**

1. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the City of Lambertville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**B. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

#### **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Lambertville or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

#### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

#### **STORM DRAIN INLET**

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

#### **WATERS OF THE STATE**

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

##### **C. Prohibited Conduct:**

1. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
  - a. Already meets the design standard below to control passage of solid and floatable materials; or
  - b. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

##### **D. Design Standard:**

Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section E.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways

Planning and Design Guidelines (April 1996); or

- b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar spacing of 0.5 inches.
  - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
  - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**E. Enforcement:**

1. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the City of Lambertville.

**F. Penalties:**

1. Any person(s) found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the penalty stated in the Lambertville City Code, 2014, Chapter 1, Section 105 General Penalty.

**G. Severability:**

1. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**H. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023

Councilwoman Lambert 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.

**ORDINANCES – SECOND READING**

**ORDINANCE NUMBER 04-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Section 4.4, Street Sweeping to Include the Parking Lot Located on the Westerly Side of the Lambertville Free Public Library, on Fridays from 8 – 10 am.*

Mayor Nowick read the ordinance into the record by title.

**ORDINANCE NUMBER 04-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, Section 4.4 Parking Prohibited, to Include the Parking Lot Located on the Westerly Side of the Lambertville Free Public Library, on Fridays from 8 – 10 am.*

NOW THEREFORE BE IT RESOLVED BY the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 7, Traffic, Section 4.4 Parking Prohibited, to include the parking lot located on the westerly side of the Lambertville Free Public Library, on Fridays from 8 – 10 a.m.

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 04-2023 and he asked for public comment. There being no public comment, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 04-2023. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 04-2023 on second reading granting final approval. Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE NUMBER 05-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Human Rights Council.*

Mayor Nowick read the Ordinance into the record by title. He asked Councilwoman Lambert to review the proposed changes to the Ordinance.

Councilwoman Lambert commented that this was a rewrite of the original ordinance that included tightening up the language. This included: removing date sensitive info that didn't make sense; replaced use of pronouns with gender neutral pronouns, assigned LGBTQ liaison position; and realigned the membership between private the public sector to ensure we had the right odd number of voting positions. It also included making the Governing body position a nonvoting member to allow for an odd number, removing the allowance for a nonresident in the private sector; and added optional student nonvoting member to be appointed by the mayor at the recommendation of the school.

**ORDINANCE NUMBER 05-2023**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Section 3-17*

§ 3-17 THE CITY OF LAMBERTVILLE HUMAN RIGHTS COUNCIL (LHRC).

[Ord. No. 17-2014; Ord. No. 28-2017; amended 5-16-2019 by Ord. No. 11-2019]

§ 3-17.1 Introduction.

The City of Lambertville's acceptance of diversity regardless of race, color, religion, national origin, ethnicity, sexual orientation, gender or disability is widely known throughout the State of New Jersey. The acceptance of people from many diverse backgrounds comes with responsibility. It is a responsibility to protect what we have all worked so hard to achieve.

§ 3-17.2 Mission.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) shall work cooperatively among people and groups to promote awareness regarding living in a diverse community and to address and to prevent any problems of intimidating or violent acts, which may be committed because of the group to which citizens may belong or identify.

§ 3-17.3 Purpose.

[Amended 5-16-2019 by Ord. No. 11-2019]

Among its many activities, the City of Lambertville Human Rights Council (LHRC) will cooperate with, and make recommendations to, the Governing Body, to educate, encourage, develop, promote, and strengthen respect for the human rights of the citizens of Lambertville no matter their race, color, religion, national origin, ethnicity, sexual orientation, gender or disability, so all may achieve their highest possible level of success.

§ 3-17.4 Council Established; Appointment; Compensation; Terms; Vacancies.

[Amended 5-16-2019 by Ord. No. 11-2019; 4-22-2021 by Ord. No. 06-2021]

The City of Lambertville Human Rights Council (LHRC) will consist of 10 members, from both the public and private sector. Members are appointed by the Mayor, with the advice and consent of the City of Lambertville Governing Body. Every effort will be made to appoint a diverse group of residents to ensure to the greatest extent practicable that all segments of Lambertville's population are represented.

City of Lambertville

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\*\*\*MEETING MINUTES\*\*\*

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a. Public Sector Members:

1. The Mayor of the City of Lambertville, or their representative from the Governing Body, to run concurrent with the Mayor's three-year term. This position shall serve as a liaison to the Lambertville Human Rights Council but shall not be considered a member of the Lambertville Human Rights Council and shall not vote on Council matters;
2. The Police Director or Officer-in-Charge of the City of Lambertville or their representative, to run concurrently with the Mayor's three-year term;
3. The Director of Public Assistance of the City of Lambertville, for a three-year term concurrent with the Mayor's three-year term;
4. The Mayor may appoint a resident member of the South Hunterdon Regional School District, for a three-year term concurrent with their term;
5. The Chairperson of the Lambertville Free and Public Library, or their representative, for a one-year term.

b. Private Sector Members:

1. There shall be five members from the private sector appointed to serve on the Lambertville Human Rights Council. They shall be appointed by the Mayor with the advice and consent of the Governing Body, and shall be residents of Lambertville, and shall serve a 3-year term. All members of the LHRC shall serve without compensation.
2. The South Hunterdon Regional School District may propose one student from the school district for a one-year term that begins with the academic calendar year. This is an optional appointment and will be a non-voting position.

§ 3-17.5 Chairman; Officers.

One of said members shall be appointed by the Mayor as Chairperson. One of said members will be appointed by the Mayor to serve and LGBTQ+ Liaison to the Mayor. Additional officers shall be elected by the majority of the membership at the annual reorganization meeting.

§ 3-17.6 Meetings.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council shall meet on the second Monday following January 1st of each year for purposes of reorganization. The agenda at this meeting should include election of officers, appointment of committees, adoption of bylaws or rules of procedure, fixing date and place of meetings and such other business as shall properly come before the Lambertville Human Rights Council at the annual reorganization meeting.

The City of Lambertville Human Rights Council (LHRC) will meet a minimum of six times in any given calendar year, inclusive of the reorganization meeting.

§ 3-17.7 Records; Annual Report.

[Amended 5-16-2019 by Ord. No. 11-2019]

The City of Lambertville Human Rights Council (LHRC) shall keep records of its meetings, activities and finances and shall make an annual report to the City of Lambertville Mayor and Council.

§ 3-18 through § 3-20. (RESERVED)

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 05-2023 and he asked for public comment. There being no comments from the public, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 05-2023. Councilwoman Kominsky made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt on second reading Ordinance Number 05-2023. Councilwoman Lambert made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE NUMBER 06-2023**: *An Ordinance to Authorize the Six-Month Lease with Fisherman's Mark for the Farm Market Located at 260 North Main Street.*

Mayor Nowick read the Ordinance into the record by title.

**ORDINANCE NUMBER 06-2023**

An Ordinance Authorizing the Extension of the Lease Agreement Between the City of Lambertville and Fisherman's Mark for use of a Portion of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).

WHEREAS, the City of Lambertville (the "City"), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530, owns the property shown on the City Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the "Property"); and

WHEREAS, Fisherman's Mark ("Fisherman's Mark") requested to lease a portion of the Property for use as a food pantry (the "Leased Premises"); and

WHEREAS, Fisherman's Mark is a New Jersey nonprofit corporation organization based in the City, and in accordance with its mission statement, provides programs to vulnerable populations that promote stability, health and education, while also providing responsive services such as food and affordable childcare services; and

WHEREAS, Fisherman's Mark provides a store-like environment to give City residents food to prepare meals that are affordable and healthy choices; and

WHEREAS, the Leased Premises at the Property are not currently being used by the City; and

WHEREAS, the continued use of the Leased Premises at the Property will allow Fisherman's Mark to continue to provide essential services for City residents in need; and

WHEREAS, the City may lease the Leased Premises to Fisherman's Mark by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, on December 16, 2021, pursuant to Ordinance 26-2021, the City approved a lease agreement with Fisherman's Mark for use of the Leased Premises, for a term of one (1) year, effective January 1, 2022 (the "Lease Agreement"); and

WHEREAS, on October 20, 2022, pursuant to Ordinance 26-2022, the City approved an extension of the Lease Agreement for six (6) months, with all other provisions of the Lease Agreement remaining unchanged; and



WHEREAS, the City and Fisherman's Mark desire to further extend the term of the Lease Agreement for six (6) additional months, with all other provisions of said Lease Agreement remaining unchanged.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the extension of the Lease Agreement with Fisherman's Mark for use of the Leased Premises, for a period of six (6) months, with all other terms of the Lease Agreement remaining unchanged.
3. The Mayor is authorized to execute any documents necessary to effectuate the extension the Lease Agreement described herein.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

INTRODUCTION AND FIRST READING: March 16, 2023

PUBLIC HEARING AND SECOND READING: April 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 06-2023 and he asked for public comment. There being no comments from the public, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 06-2023. Councilwoman Kominsky made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt on second reading granting final approval for Ordinance Number 06-2023. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ORDINANCE NUMBER 07-2023:** *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*

Mayor Nowick informed the members of the public that there were changes since the last time we met, we were within the noticing requirements, and the last change, "to include an individual list of certified local list of contributing in the historic .." DEP was not responding to the City and they did not get back to us in time for noticing requirements. This ordinance on the books is imperfect to say the least. We do our residents and businesses a disservice by not taking a viewpoint in simplifying the process. He said he is committed to looking at this. He is hoping to

schedule a meeting with DEP and SHPO for language that will include a certified inventory. Mayor Nowick said he would like to move forward with adoption and amend as necessary in the near future. One note: fair market value clause needs further discussion on the proposed language with the Construction Official and City Attorney.

Mayor Nowick asked for Council questions.

Discussion ensued. The following were identified as issues:

**DEFINITION OF MARKET VALUE:** “Market value” seems to be defined differently throughout the ordinance.

**HISTORIC STRUCTURES:** “Historic structures” remain undefined. We have an inventory of 1200 buildings, but we need to define what it means to be a historic structure in Lambertville.

**DISCUSSION WITH DEP:** What should we use as a definition to get an exemption that a property owner can rely on instead of going to the Zoning Board all of the time?

**HOLD ON THE ORDINANCE UNTIL CHANGES ARE MADE:** Members of the Governing Body didn’t want to adopt an ordinance that did not define market value.

**CONCERN:** There was concern for the perception of the NFIP.

**VARIANCE SECTION:** 107.2, page 17, “authorized” does not mean “approved” so it’s an inconsistency in the language.

The City Attorney noted that the ordinance was noticed for second reading but could be carried to the next meeting. If you are looking to work off this document, perhaps making minor changes, carry it but know you will need to amend it in the future. The addition to market value, 107.2 is not a material change and they are the things that can be incorporated tonight. The removal of language is material, and he suggested the Governing Body vote to amend the Ordinance. Vote to amend and then carry, as amended, to next meeting, or carry to next meeting as-is and amend then.

Mayor Nowick commented that he will work hard to get everyone together however but noted that the DEP is not always responsive. Councilwoman Kominsky commented that we request them to kick it up the ladder.

Mayor Nowick asked for a motion to carry the public hearing to the May 18, 2023 voting session. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

**ORDINANCE NUMBER 08-2023:** *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Municipal Officers, Procedures, Departments, Boards and Commissions, Adding Article VIII, Background Checks.*

Mayor Nowick read the Ordinance into the record by title.

**ORDINANCE NUMBER 08-2023**

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commissions, Adding Article VIII, Background Checks

WHEREAS, the City of Lambertville finds that it is important to provide for the safety of our residents and municipal employees; and

WHEREAS, the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, hires contractors to fill positions that require the use of private vehicles for transportation, and access to public and private property within the City, and

WHEREAS, the City of Lambertville has established procedures for applicants of raffle licenses, tow licenses, and taxi licenses, to complete a background check; and

WHEREAS, the City contracts for Animal Control Services, and anticipates contracting for a Licensed Lead-Based Paint Contractor.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commissions, is hereby amended to add Article VIII, requiring background checks for contractors hired by the City of Lambertville who may need to access public and private property, such as, but not limited to: Animal Control Officer, Taxi Drivers, and Lead-Based Paint Certification.

Chapter 3, Municipal Officers, Procedures; Departments, Board and Commissions

Article VIII Policies and Procedures for the Hiring of Contractors

Contractors hired by the City of Lambertville, who in the course of their duties are required to access public and private property; have contact with minor children; transport people or animals; file applications for Legalized Games of Chances; or when it is required by the Mayor or his or her designee; are required to complete a criminal history record background check, defined as follows: a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau Of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

INTRODUCTION: March 16, 2023

ADOPTION: April 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 08-2023 and he asked for public comments. There being no public comment, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 08-2023. Councilwoman Kominsky made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 08-2023 on second reading granting final approval. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **CORRESPONDENCE**

Mayor Nowick read the correspondence into the record by title.

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**Hunterdon County Needs Assessment:** *The Division of Senior, Disabilities and Veterans Services is conducting a needs assessment survey and is seeking input from older adults of age 60 and older. Additional information can be located on the County of Hunterdon's Website using the following link: <https://www.co.hunterdon.nj.us/495/Senior-Center>.*

**Hunterdon County** announced an interactive web mapping app for the voter recourses which will allow voters to use the app for information about upcoming elections and general voting information.

## **ONGOING PROJECTS**

**Church Street Traffic Pattern Update:** Mayor Nowick informed the members of the public that the City is waiting for the City engineer to provide a cost estimate for permitting and engineering fees. Council President Stegman is taking the lead on this project as Mayor Nowick owns property on Church Street.

**USDA/NRCS Music Mountain:** Mayor Nowick informed the members of the public that on Wednesday he met with USDA engineers, and NRCS. They are the same engineers that worked in the creeks assessing damages from Hurricane Ida. They are beginning to assess the stormwater issues on music mountain. They also looked at catch basins. The work will cost more than \$450,000 but we will focus on what the grant covers. Construction will take place in 2024, and the City will bond for it and will be reimbursed at \$450,000.

## **ANNOUNCEMENTS**

Mayor Nowick read the following announcement into the record.

### **CONVENIENCE CENTER HOURS**

Saturday, May 6, 2023, from 9 am to 12 noon

Wednesday, May 17, 2023, from 3 – 5 pm

Saturday, May 20, 2023, from 9 am to 12 noon

## **PUBLIC PARTICIPATION**

Mayor Nowick opened the meeting for the second public participation session and he asked for public comment.

Paul Stevens asked if one of the Council people can look at how it takes to get the historic designation as outlined in the DEP correspondence.

Michele Glassburg commented that she loved Lambertville Matters, both the electronic and printed versions and she felt they are great way to communicate with community. She said she is a dog owner and agrees with Councilwoman Lambert about cleaning up after your dog. She suggested that the City designate a whole half page to dogs in the next issue. We are a super friendly dog town, and she feels it is the visitors who are irresponsible how they manage their

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dogs. She recommended that the City consult with Lisa Easton regarding the historic designation in the Flood Plain Ordinance.

John Hencheck commented that in 1983 he was President of the Lambertville Historic Society that put in the single most nomination in the country, 1140 structures. He said he has a book that shows each and every property in the state and the flood plain area. The book includes not the Closson but the Holcombe Farm subject to the provisions of the Department of Interior and NJSIA 7.4-2-8 which protects historic properties from projects that can damage it and if we have 1700 historic structures in the state, 1,140 are in Lambertville that have been here for 300 years. That brings in the question of why we have to question. On September 2, 2009, Lambertville accepted the Design Guidelines prepared by the then Planner, Linda Weber.

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

Mayor Nowick responded to the comments.

To Paul Stevens' question about how to get a historic designation, we are doing that already. The Construction Official is working on it.

To Michele Glassburg, thank you for your compliments about Lambertville Matters. The next printed issue will be the last. It was a 1 year contract with no cost to the City. It was distributed by hand by volunteers. He noted that there were concerns early on in the process. It is a significant burden for the Deputy Clerk who does the formatting and content chasing.

Mayor Nowick noted that the Construction Official expressed concern about NFIP if we didn't adopt in time.

Thank you to John Hencheck for antidotes of history and for being the steward of our history.

## **ADJOURNMENT**

Mayor Nowick asked for a motion to adjourn the meeting at 8:54 p.m. Councilwoman Lambert made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege  
CMR, RMC, City Clerk