



**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JUNE 15, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES**

I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 7:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: *This meeting is being held in compliance with the Open Public Meetings Act with the annual notice provided to the Hunterdon County Democrat and the Trenton Times. The meeting notice was sent via email to members on the listserv, department heads and the City Engineer on Monday, June 12, 2023.*

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

This meeting is being streamed live and recorded using the Zoom Meeting Platform.

II. 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.

III. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and a moment of silence.

IV. APPROVAL OF MINUTES

Mayor Nowick asked for a motion to approve the following sets of minutes, noting that the June 1, 2023 session minutes will be on the July 20, 2023 meeting agenda for approval.

May 4, 2023 Work Session Minutes

May 11, 2023 Special Session Minutes

May 18, 2023 Voting Session Minutes

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.

V. ADMINISTRATIVE REPORTS

Clerk's Report, Construction Office (Lambertville and Frenchtown), Court Report, Fire Official, Police Department, Public Works Department, and Tax Collector

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Mayor Nowick asked for a motion to approve the Administrative Reports. 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.

VI. PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Judy Gleason of Lambertville: Ms. Gleason asked for details regarding Resolution 92-2023, Salary & Wage. Secondly she encouraged the Governing Body to get additional information and host additional public sessions regarding the upcoming bridge construction project.

Jeff Tittel of Lambertville: Mr. Tittel echoed Ms. Gleason's concern for having an additional bridge meeting. He also spoke to the fact that the NJ flood rules recently changed.

Dave Burd of Lambertville: Mr. Burd asked a question regarding Resolution 20-2023, Debris Management Plan and asked if there would be a cost to residents for debris removal?

Margaret Carmeli representing Maxwell Assets, via Zoom: Ms. Carmelli mentioned that she had submitted a letter earlier in the week. She spoke regarding the proposed flood ordinance, and asked the status of becoming a certified government and of the flood preparedness flow chart.

Mayor Nowick asked for a motion to close the Public Participation session. 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.

VII. RESOLUTIONS

CONSENT AGENDA: The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.

Mayor Nowick asked for a motion to approve Resolution Numbers 89-2023 through 97-2023 as listed on the consent agenda.

RESOLUTION NUMBER 89-2023: *A Resolution to Cancel Resolution Number 80-2023 to Authorize A Refund of An Overpayment to Corelogic*

WHEREAS, this resolution is to cancel Resolution Number 80-2023, authorizing refunds for overpayment of taxes, for the following properties because it was refunded on November 17, 2022 in Resolution Number 195-2022:

Block 1007, Lot 40, 55 Elm Street, in the amount of \$2365.55

Block 1026, Lot 2, 95 North Main Street, in the amount of \$2,287.42

Block 1050, Lot 9, 59 South Main Street, in the amount of \$2,025.07

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NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that resolution number 89-2023 is hereby canceled.

ADOPTED: June 15, 2023

RESOLUTION NUMBER 90-2023: *A Resolution to Authorize the Alcohol Beverage Control Licenses for the Fiscal Year 2023-2024, and to Authorize the City Clerk to Upload the Resolution to the State of New Jersey's Posse System.*

WHEREAS, an application for renewal has been received from the following thirteen (13) establishments for the Alcoholic Beverage License on the State of New Jersey's POSSE system for premises located in the City of Lambertville, New Jersey:

Establishment	License Number	Type
Toscanni Post 120 American Legion	1017-31-012-001	Club License
Lambertville Lodge 1070 BPO Elks	1017-31-015-001	Club License
Boat House Inc. The	1017-32-006-003	Plenary Retail Consumption License with Broad Package Privilege
Under the Moon Foods LLC	1017-33-001-006	Plenary Retail Consumption License
ETZ Food Inc. DBA Bell's Tavern	1017-33-002-006	Plenary Retail Consumption License
Bluestone Building LLC DBS Taverna 54	1017-33-003-006	Plenary Retail Consumption License
Mitchell's Café Inc.	1017-33-004-005	Plenary Retail Consumption License
TJ's of Hopewell Inc.	1017-33-005-009	Plenary Retail Consumption License
LSRI Operations LLC DBA Lambertville Station and the Inn at the Lambertville Station	1017-33-007-005	Plenary Retail Consumption License
LV House LLC DBA Lambertville House	1017-33-008-009	Plenary Retail Consumption License
Swan Hotel The	1017-33-009-002	Plenary Retail Consumption License

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Irish Diplomat LLC DBA Walker's Wine & Spirits, Inc.	1017-44-010-007	Plenary Retail Distribution License
Wonderful World of Wines LLC	1017-44-011-005	Plenary Retail Distribution License

WHEREAS, the City Clerk is in receipt the Alcoholic Beverage Retail License Clearance Certificate Renewal for each entity for the 2023-2024 fiscal year, and

WHEREAS, the Police Department conducted inspections of all thirteen (13) establishments and found all facilities to be in compliance with licensing and documentation requirements set forth under the State of New Jersey Alcoholic Beverage Control Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the thirteen (13) licenses as listed within this resolution are hereby approved for renewal without conditions for the 2023-2024 fiscal year and the City Clerk is hereby directed to upload a certified copy of this Resolution to the State of New Jersey, Division of Alcoholic Beverage Control, Department of Law and Public Safety's POSSE system, for processing.

BE IT FURTHER RESOLVED that the City Clerk be authorized to issue the 2023-2024 licenses to the proper holder prior to the effective date of July 1, 2023.

ADOPTED: June 15, 2023

RESOLUTION NUMBER 91-2023: *A Resolution to Authorize Refunds of Escrow and a Temporary Food License*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds are hereby approved:

Ryan Spreen, 30 S. Union Street, Block 1045, Lot 40, Refund of Escrow:
\$1,164.75

SHR Booster Club refund for a temporary food license, \$95.00

ADOPTED: June 15, 2023

RESOLUTION NUMBER 92-2023: *A Salary & Wage Resolution*

Establishing the 2023 Salary and Wages for Officials and Employees of the City of Lambertville

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WHEREAS, Ordinance Number 19-2021, amended by Ordinance Numbers 20-2022 and 32-2022, and 17-2023, established salary ranges for officials and employees of the City of Lambertville; and

WHEREAS, the 2023 calendar year budget included a 2% raise for non-union employees who have been working for the City of Lambertville consistently for more than 1 year; and

WHEREAS, the 2023 calendar year budget was formally adopted by the Mayor and Council of the City of Lambertville in the County of Hunterdon on Thursday, June 1, 2023; and

WHEREAS, it is necessary to establish specific salary for specific positions;

NOW THEREFORE BE IT RESOLVED that the following salaries are established:

<u>Employee Name</u>	<u>2023 pay rate</u>
MAYOR & COUNCIL	
Andrew Nowick	Stipend \$ 8,000.00
Karen Kominsky	Stipend \$ 1,100.00
Benedetta Lambert	Stipend \$ 1,100.00
Evan Lide	Stipend \$ 1,100.00
Steven Stegman (Council President)	Stipend \$ 3,200.00
STAFF:	
Cynthia L. Ege, City Clerk	Salary \$86,253.07
Cynthia L Ege, OEM Coordinator	Salary \$ 5,000.00
Lindsay Hansche, Deputy Clerk & Technology Specialist	Salary \$56,100.00
Jill Titus – Accounts Receivable Clerk	P/T Hourly \$18.00 (12 hours/week)
Susan Bacorn, Deputy Treasurer	Salary \$53,421.35
Susan Bacorn, PACO	Salary \$ 2,601.00
Christie Ehret, CMFO	Salary \$25,020.60
Christie Ehret, QPA	Salary \$ 2,500.00
TAX	
Jessica Crea, Tax Collector	Salary \$16,000.00
Susan Bacorn, Tax Assistance	Salary \$ 2,601.00
Richard Carmosino, Tax Assessor	Salary \$36,543.62

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CONSTRUCTION:

Crystal Lawton, Planning Board Secretary	Salary	\$ 8,278.92
Crystal Lawton, Zoning Board Secretary	Salary	\$ 4,182.05
Crystal Lawton, TACO	Salary	\$37,092.10
	(includes \$950 waived by Construction Official)	
Crystal Lawton, Historical Secretary	Salary	\$ 3,060.00
Kenneth Rogers, Construction/Zoning Official only)	Salary	\$95,950.00 (1% increased)
Keith Steele	Salary	\$12,252.76
Susan Schlessinger, Fire Official	Salary	\$29,120.00

FRENCHTOWN CONSTRUCTION:

Kenneth Rogers, Construction/Zoning Official	Salary	\$55,000.00
Keith Steele, Plan Review	Salary	\$6,000.00
Robert Vanderburg, Electric Inspector	Salary	\$ 8,000.00

POLICE CIVILIAN:

Tara Barlow, Matron/PT	Hourly	\$ 14.00
Vernon Barlow, Crossing Guard	Hourly	\$ 15.92
Kelly Kascik, Police Secretary/FT	Salary	\$42,840.00
Michael Vecchio, Parking Enforcement/FT	Salary	\$41,880.38
Stephen Balaity, Parking Enforcement/PT	Hourly	\$ 15.92
Jack Angeloni, Parking Enforcement/PT	Hourly	\$ 15.92

PUBLIC WORKS/SOLID WASTE:

Paul Cronce	Hourly	\$20.00
Brittany Kerr	Salary	\$37,500.00
Jessie Kerr	Salary	\$37,500.00
David Kerr	Salary	\$48,316.71
John Ott	Salary	\$35,000.00
John Ott IV	Salary	\$35,000.00
Lester Myers, Jr.	Salary	\$70,570.33
Robbin Worthington	Salary	\$49,565.96

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VACANT – Solid Waste Laborer P/T Hourly \$16.00/hr @ 25 hr/week

OTHER:

Helen Kuhl, Public Assistance Director Salary \$17,719.74

COURT:

Sally Lelie, Court Clerk Hourly \$18.73

Kathryn McLaren, Court Administrator Salary \$65,000.00

Francesco Taddeo, Judge Salary \$15,000.00

BE IT FURTHER RESOLVED that this resolution shall be retroactive to January 1, 2023.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

ADOPTED: June 15, 2023

RESOLUTION NUMBER 93-2023: *A Resolution to Authorize A Refund of An Overpayment to Corelogic for Block 1057, Lot 1.67 in the Amount of \$2,412.22.*

NOW THEREFORE BE IT RESOLVED that the following refund to Corelogic for Block- 1057 Lot 1.67 in the amount of \$2,412.22.

Adopted: June 15, 2023

RESOLUTION NUMBER 94-2023: *A Resolution to Authorize the Sale of the Green House and Contents, Located at Holcombe Park.*

WHEREAS, the City of Lambertville is the owner of publicly-owned personal property that is no longer needed for public use; and

WHEREAS, the municipality is authorized to sell public property no longer needed for public use to the highest bidder pursuant to the requirements set forth in New Jersey Statutes Annotated (N.J.S.A.) 40A:11-36, et seq.; and

WHEREAS, the property identified as no longer needed for public use is located in Holcombe Park, located at 260 North Main Street; and

WHEREAS, the City of Lambertville will accept four separate bids for each of the following:

BID 1: Green House Structure,

BID 2: Potting Tables – Wood

BID 3: Stainless Steel, two tier table

BID 3: Kerosene Heater

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WHEREAS, the property is being sold in “as is” condition without any express or implied warranties; and

WHEREAS, the successful bidder(s) will be responsible for: the disassembling and removal of the Green House Structure, the potting tables, and the kerosene heater. This will require the execution of a hold harmless agreement between the successful bidder(s) and the City; and

WHEREAS, the City of Lambertville will open the Green House for Public View in consideration of submitting sealed bids at 10:00 a.m. on Thursday, July 13, 2023 at Holcombe Park; and

WHEREAS, the City of Lambertville authorizes the sale of the aforementioned property via sealed bids which will be received no later than 10 a.m. on Thursday, July 20, 2023 at 10:00 a.m. in the Office of the City Clerk located at 18 York Street in the City, at which time the City Clerk will publicly open and read aloud all bids received.

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 sale of the Green House, Potting Tables and Kerosene Heater located on the Holcombe Park property owned by the City of Lambertville is hereby authorized.

BE IT FURTHER RESOLVED that the property outlined in this resolution shall be sold in “as in” condition without any express or implied warranties; and

BE IT FURTHER RESOLVED that the successful bidder(s) will:

- be responsible for:
 - disassembling and removing the Green House (31 ft X 50ft.);
 - removing the wood potting tables
 - removing the stainless steel two tier table
 - kerosene heater,
- provide the City with a hold harmless agreement that indemnifies and holds the City harmless for any and all incidents related to the sale and any subsequent disassembly of the Green House, removal of the potting tables and the kerosene heater; and
- will agree to remove the Green House, potting tables and kerosene heater located in the Green House within sixty (60) days from July 20, 2023

BE IT FURTHER RESOLVED that the City of Lambertville accepts the right to accept or reject any bid submitted; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to conduct the Sale and shall publish the legal advertisements in the Trenton Times, the official newspaper of the City of Lambertville, informing the public as to the nature of the items being sold and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36, et seq.; and

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BE IT FURTHER RESOLVED that all other City officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

ADOPTED: June 15, 2023

RESOLUTION NUMBER 95-2023: *A Resolution to Authorize the One Day Social Affairs Permit filed by the Princeton Mercer Regional Chamber of Commerce for an Event at Imbue located at 71 North Main Street, on June 22, 2023 from 5 – 7 P.M.*

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 Alcoholic Beverage Control Application filed by the Princeton Mercer Regional Chamber of Commerce for an event at Imbue, located at 71 North Main Street on June 22, 2023 from 5 – 7 p.m. is hereby approved.

BE IT FURTHER RESOLVED that the Princeton Mercer Regional Chamber of Commerce will need to file a variation application for the temporary change of use, with a fee of \$315.00, which is hereby waived.

Adopted: June 15, 2023

RESOLUTION NUMBER 96-2023: *A Resolution to Reflect a Totally Disabled Veteran Allowance Approved by the Tax Assessor January 18, 2023, and to Authorize the Refund of Property Taxes to Nicholas & Jennifer Brady for 51 S. Union Street in the Amount of \$5,540.65*

WHEREAS, Nicholas Brady filed an application with the Tax Assessor as a total disabled Veteran for property tax relief; and

WHEREAS, the Tax Assessor accepted and approved the application.

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 refund of property taxes for 51 S. Union Street, block 1052, lot 2, qualifier C0001, in the amount of \$5,540.65 is hereby approved.

Adopted: June 15, 2023

RESOLUTION NUMBER 97-2023: *A Resolution to Appoint Michael S. Hrubos, Inc. as the Inspector for the Small Communities Grant, With a Fee of \$2,450.00 for Final Inspections and \$400.00 for Change Orders, and Additional Work at \$75.00 Per Hour, Funded Through the Small Communities Grant*

WHEREAS, the City of Lambertville received a Small Cities grant from the State of New Jersey to rehabilitate properties for people who income qualify in the City of Lambertville; and

WHEREAS, the City of Lambertville appointed Triad to administer the grant program; and

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WHEREAS, Triad uses Michael S. Hrubos, Inc. to inspect properties and Mr. Hrubos fee structure is as follows:

Final Inspections:	\$2,450.00
Change Orders:	400.00
Hourly Rate:	75.00

WHEREAS, this contract is necessary to ensure the work completed by contractors meets the expectation of the building code and the property owner.

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 Michael S. Hrubos, Inc. to complete the paperwork associated with the Small Cities contracts is hereby authorized.

Adopted: June 15, 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.

End of Consent Agenda

VIII. APPROVAL OF THE BILLS LIST

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

IX. ORDINANCES – FIRST READING

ORDINANCE NUMBER 20-2023: *An Ordinance of the City of Lambertville, Office of Emergency Management, Emergency Operating Procedures, Debris Management Plan*

WHEREAS, The City of Lambertville has been heavily impacted by flooding dating as far back as 1786, and

WHEREAS, the recovery process after a disaster includes the requirement of a Debris Management Plan; and

WHEREAS, the Office of Emergency Management has worked to develop a Debris Management Plan to identify the types of debris and develop a process for disposal.

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

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Debris Management Plan dated July, 2023, attached hereto and made part of the record, is hereby adopted.

BE IT FURTHER RESOLVED, that the Office of Emergency Management will add this to the Emergency Operating Procedures to be used as a guide in the planning and recovery process.

BE IT FURTHER RESOLVED, that the City will consult with the State of New Jersey, Department of Environmental Protection to assure the latest language and procedure is up-to-date.

INTRODUCED FOR FIRST READING: June 15, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

CITY OF LAMBERTVILLE
DEBRIS MANAGEMENT PLAN
OFFICE OF EMERGENCY MANAGEMENT

PRE-INCIDENT DEBRIS MANAGEMENT PLAN OUTLINE

- I. Plan Overview
 - a. Scope
 - b. Planning assumptions
 - c. List of officials who should be notified in the case of an incident and contact information
 - d. Roles and responsibilities for waste management activities
 - e. Regulatory Requirements
 - f. Documentation of plan development process
 - g. Record of plan approvals, reviews, and updates to include any changes made
- II. Materials and Debris Streams
 - a. List of anticipated debris streams
 - b. Description of each debris stream
- III. Debris Quantities
 - a. Forecast quantity of each type of anticipated debris stream
 - b. Method for estimating actual debris quantities during/after a disaster
- IV. Waste Characterization Sampling and Analysis
 - a. Sampling
 - b. Analysis

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- c. Quality assurance
- V. Debris Management Strategies/Option
 - a. Procedure and Approaches
 - i. Minimization
 - ii. Collection
 - iii. Segregation
 - iv. Decontamination (equipment, people, waste/materials)
 - v. Accumulation/Storage
 - vi. Monitoring of Debris Management Activities
 - b. Pre-selected debris management sites
 - i. Debris staging and storage (short-term and long-term) locations
 - ii. Equipment staging and storage (short-term and long-term) locations
 - iii. Decontamination and treatment stations
- VI. Waste Management Facilities
 - a. Anticipated types of waste management facilities needed
 - b. Specific facilities identified
- VII. Transportation
 - a. Logistical options
 - b. Routes (including maps)
 - c. Hauler information
- VIII. Debris and Material Tracking and Reporting System
 - a. General principles
 - b. Database and other tracking software to be used
 - c. Debris tracking report templates
- IX. Community Communications/Outreach Plan
 - a. Strategy
 - b. Contact information for key stakeholder groups
 - c. Pre-scripted information for debris management activities involving the public
 - d. Information for a response website once a disaster occurs
- X. Health and Safety for Debris Management Activities
- XI. Resource Summary
 - a. Resource needs
 - b. Resources sources
 - i. Mutual Aid Agreements
 - ii. Pre-negotiated contracts
 - iii. Specialized experts
 - c. Specialized technical assistance contacts
 - d. Contracting
 - i. Emergency procurement procedures
 - ii. Contract oversight plan
 - e. Cost accounting/financial management

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- f. FEMA eligibility guidance
- XII. Appendices
 - a. Job aids for debris management staff positions
 - b. List of training classes available for different debris management roles
 - c. Pre-written debris management emergency ordinances, orders, directives, declarations, designations, permits, etc.
 - d. Maps of waste management facilities and sites, transportation routes, critical waste management infrastructure and key resources
 - e. Links to health and safety information
 - f. Protective Actions Guides
 - g. Glossary and list of acronyms

PLAN OVERVIEW

SCOPE: The City of Lambertville is a historic community dating back to the early 1600's and is located at the bottom of the Sourland Mountains where it feeds into the Delaware River. Once designated as an industrial community, Lambertville was the home to the Lace Works, Jockey Underwear, Luggage Factory, and Corn Curl's. C.A. Niece Lumber and Finkle's Hardware Store are iconic and have survived for many generations and recessions.

The historic part of Lambertville runs parallel to the Delaware River. While most of the land is flat in nature, the north and south ends are the low spots and the areas that suffer most from back flooding from the Delaware River and flash flooding.

Cottage Hill, Connaught Hill and Music Mountain border the flatlands and are comprised mostly of single family units. The age of homes varies throughout all three developments and except for Lamberts Hill, Woodcrest and Northfield Court, differ vastly in design.

PLANNING ASSUMPTIONS: Lambertville will continue to flood from the Delaware River and flash flooding.

LIST OF OFFICIALS WHO SHOULD BE NOTIFIED IN THE CASE OF AN INCIDENT AND CONTACT INFORMATION

OEM Coordinator, Deputy Coordinators
Mayor
Police Director/Chief
City Clerk and Deputy Clerk
Public Works Director
Fire Department

Lambertville Municipal Utilities Authority
Veolia – Water Company

ROLES AND RESPONSIBILITIES FOR WASTE MANAGEMENT ACTIVITIES

Regulatory Requirements: The Mayor will declare a State of Emergency and at that time, the OEM Coordinator will take charge of all emergency activities. A copy of the Proclamation will be posted on the City’s website, bulletin board, and a signed copy will be kept in the safe at City Hall.

Documentation of plan development process: The Debris Management Plan is a goal in the city’s Hazard Mitigation Plan and is also a regulatory requirement for all major disasters. This draft will be reviewed by the following officials: OEM Coordinator, Deputy Coordinators, Mayor Police Director/Chief, City Clerk and Deputy Clerk, and Public Works Director,

Record of plan approvals, reviews, and updates to include any changes made: The City of Lambertville will adopt by ordinance the Debris Management Plan that will outline the procedure and process.

MATERIALS AND DEBRIS STREAMS

The City of Lambertville suffers mostly from flood events and the debris streams are limited to household items, building materials, heating oil, gas, vehicles, and houses.

List of anticipated debris streams

Vegetative Debris; C&D Debris; Building Contents; Animal Carcasses; Displaced soils and sediments;

Description of each debris stream

C&D Debris: mixed metals, masonry materials, concrete, lumber, asphalt shingles	thinners, mercury-containing devices
Cylinders and tanks;	HHW: household cleaners, freezer and refrigerator coolant;
Electronics waste (e-waste)(televisions, computers, cell phones)	Lead-based paint;
Food Waste	Marine or waterway debris;
Hazardous waste: batteries, pesticides, solvents, paint	Medical waste;
	Metals;

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Mixed waste (waste containing both radioactive and hazardous waste components)	Soils, sediments and sandbags;
Municipal Solid Waste	Treated wood (utility poles, fencing, decks);
PCB-containing waste (transformers, capacitor, other electrical equipment);	Used oil and oil-contaminated waste;
Pharmaceuticals;	Vegetative Debris: plants, uprooted trees, branches, vegetation (green waste);
Radiological-contaminated waste (hospital equipment)	Vehicles and vessels;
Scrap tires;	White goods (household appliances)

DEBRIS QUANTITIES

The tax books maintained by the Assessor list the following:

Vacant Land: 186

Residential Units: 1,633	Industrial (4b): 8	Charitable: 28
Farm (3a): 1	Apartment (4c): 39	Cemetery: 3
Farm (3b): 11	Public School: 1	Miscellaneous: 20
Commercial (4a): 174	Other School: 1	

Forecast quantity of each type of anticipated debris stream

Vegetative Debris; C&D Debris; Building Contents; Animal Carcasses; Displaced soils and sediments;

Method for estimating actual debris quantities during/after a disaster

Tonnage from the most recent disaster (Hurricane Ida) was reviewed to help determine a base estimate for each of the following categories:

- Vegetative Debris;
- C&D Debris;
- Building Contents;

Animal Carcasses;

Displaced soils and sediments;

WASTE CHARACTERIZATION SAMPLING AND ANALYSIS

Waste characterization will depend on the type of disaster. Flooding will result in white goods, and municipal waste, while a high wind event will increase vegetative debris (brush).

- a. Sampling
- b. Analysis
- c. Quality assurance

DEBRIS MANAGEMENT STRATEGIES/OPTION

Procedure and Approaches: The City of Lambertville will adopt by ordinance the Debris Management Plan that will outline the procedure and process.

Minimization: in order to maintain order and control illegal dumping, the police department will oversee and manage the Temporary Debris Management Area. Residents will need to:

- Show proof of residency;
- Record damages and categorize their waste

COLLECTION

- CVS Parking Lot (40.376694,-74.9501668)
- Phillip L. Pittore Justice Center (40.3645394,-74.9472444)
- Brunswick Avenue east of the gas station (40.3645475,-74.9472444)
- Parking Lot by Ely Field (40.3690957,-74.9464228)
- Holcombe Park (40.3748017,-74.9501022)

SEGREGATION

Each site will contain one dumpster for Municipal Waste; and staging areas for white goods, vegetative items, hazardous waste (will be separated into categories)

DECONTAMINATION (EQUIPMENT, PEOPLE, WASTE/MATERIALS)

LMUA will be used as a decontamination site. We will use portable wastewater pretreatment equipment; all waste-water will be contained in storage units and disposed of in a manner as prescribed by NJDEP.

ACCUMULATION/STORAGE: In an effort to keep the streets clean of debris and animals, the city will conduct a Request for Proposals for emergency events only so that when the city has an event, we have already contracted with a vender who is state approved and has the equipment necessary for debris management.

MONITORING OF DEBRIS MANAGEMENT ACTIVITIES: The police department will oversee all Debris Management Areas; The Director of Public Works will oversee the collection of all debris.

PRE-SELECTED DEBRIS MANAGEMENT SITES

Debris staging and storage (short-term and long-term) locations

Short-term:

- a. CVS Parking Lot
- b. Phillip L. Pittore Justice Center
- c. Brunswick Avenue east of the gas station
- d. Parking Lot by Ely Field
- e. Holcombe Park

Long-term:

- f. Public Works Department will maintain an open area that is clear of debris to assist with emergencies.

Equipment staging and storage (short-term and long-term) locations

The city will contract with a company that is state approved for municipal waste and hazardous waste.

Decontamination and treatment stations

LMUA

Fire Department

Police Department

WASTE MANAGEMENT FACILITIES: Anticipated types of waste management facilities needed: Dumpsters, Garbage Trucks, and Recycling Trucks.

SPECIFIC FACILITIES IDENTIFIED: Transportation will be the sole responsibility of the company who is awarded the contract.

Logistical options

Routes (including maps)

Hauler information

DEBRIS AND MATERIAL TRACKING AND REPORTING SYSTEM:
The OEM Deputy Coordinator will be responsible for completing the TDMA's (Temporary Debris Management Areas) as required by the State of NJ DEP.

General principles: The city will:

Pre-disaster: determine the locations for the TDMA's.

North Union and Cherry Street

South Union Street at the Justice Center

Brunswick Avenue by the Gas Station

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Dumpsters were also placed on Streets close to the flood area.

Disaster: complete and submit the TDMA's to the State of NJ Department of Environmental Commission.

Database and other tracking software to be used: each contractor picking up municipal waste, e-waste or any other item will submit a day total with a tonnage report for tracking purposes.

Debris tracking report templates: the city will use the tracking templates provided by the State of NJ DEP and FEMA.

COMMUNITY COMMUNICATIONS/OUTREACH PLAN: Strategy: to mitigate the build-up of municipal waste and prevent an overflow into the waterways; mitigate animal control (rats); and rid the area of waste in the most efficient and effective manner.

Contact information for key stakeholder groups: Debris Management information will be maintained in the database by the OEM Deputy Coordinator which will be shared on a google drive and access will be given to all members to ensure good record keeping.

Pre-scripted information for debris management activities involving the public: the police department will oversee the TDMA to ensure only city residents are using the dumpsters provided and for crowd control.

Information for a response website once a disaster occurs: the OEM Deputy will maintain the templates and will insert pertinent data directly related to the event into the templates. They will then be reviewed for correctness and disseminated through the city's listserv, website, and hardcopies will be available at city hall.

HEALTH AND SAFETY FOR DEBRIS MANAGEMENT ACTIVITIES: All employees and volunteers will wear face masks and gloves provided by the City of Lambertville. All cuts and puncture wounds will be reported immediately to the Field Supervisor. The Field Supervisor will determine if a visit to emergent care is required.

RESOURCE SUMMARY

Resource needs

Resources sources

- ii. Mutual Aid Agreements
 - 1. LMUA
 - 2. Township of West Amwell
- iii. Pre-negotiated contracts
 - 1. Waste Management
- iv. Specialized experts
 - 1. NJDEP

Specialized technical assistance contacts

Contracting

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- v. Emergency procurement procedures
 - vi. Contract oversight plan
- Cost accounting/financial management
- FEMA eligibility guidance

APPENDICES

- Job aids for debris management staff positions
- List of training classes available for different debris management roles
- Pre-written debris management emergency ordinances, orders, directives, declarations, designations, permits, etc.
- Maps of waste management facilities and sites, transportation routes, critical waste management infrastructure and key resources
- Links to health and safety information
- Protective Actions Guides
- Glossary and list of acronyms

Mayor Nowick read the Ordinance into the record by title and he noted that the Ordinance as first printed referred to the “Closson Property” and has been amended to read 260 North Union Street. He informed the members of the public that the Office of Emergency Management’s Emergency Operating Procedures will be amended to include the Debris Management Plan. He asked for a motion to introduce on first reading Ordinance Number 20-2023, with a public hearing scheduled for July 20, 2023.

Councilwoman Lambert asked about Holcombe Park as one of the listed locations and whether there would be any impact on the feasibility of the site for debris management after the subdivision and sale of part of the property. Mayor Nowick explained that this document is just to establish a list of potential sites that we will have available. Depending on the type of debris, we will use the most practical site.

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 21-2023: *An Ordinance of the City of Lambertville, County of Hunterdon, State of New Jersey, to Authorize the Lease of the North Union Street Parking Lot to the South Hunterdon Regional School District beginning September 1, 2023 and ending June 30, 2024, Monday through Friday from 7:30 a.m. to 4:00 p.m.*

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 properties shown on the City Tax Maps as Block 1039, Lot 8.01, commonly known as 14 N. Union Street, the site of the N. Union Street Parking Lot (the “**N. Union Parking Lot**”), and Block 1044, Lot 14, commonly known as 25 S. Union

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Street, site of the parking lot at the Phillip L. Pittore Justice Center (the “**Justice Complex Parking Lot**,” and together, the “**Properties**”); and

WHEREAS, the South Hunterdon Regional School District (the “**SHRSD**”) has requested to lease the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, from the City to accommodate parking demand during the school year; and

WHEREAS, the SHRSD is a regional school district operating pursuant to N.J.S.A. 18A-1, et seq., and a public body of the State of New Jersey; and

WHEREAS, the SHRSD desires to continue to provide adequate parking for its employees working within the City, and has requested the use of nineteen (19) parking spaces on all school days from August 28, 2023 to June 12, 2024, from 7:30 a.m. to 4:00 p.m., and has agreed to make payments to the City in the total amount of \$25,000.00, payable in installments of \$15,000.00 on or before November 15, 2023, and \$10,000.00 on or before May 31, 2024; and

WHEREAS, the SHRSD will be responsible for the installation of appropriate signage at either the N. Union Parking Lot, or the Justice Complex Parking Lot, or portions of both, while the City will continue to provide snow plowing services and make accommodations for street sweeping at the Properties; and

WHEREAS, the City may lease the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, to SHRSD by ordinance, pursuant to N.J.S.A. 40A:12-14(b) of the Local Lands and Buildings Law; and

WHEREAS, there is a desire to approve a lease agreement with SHRSD for use of the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, to memorialize the terms set forth herein, in the form attached hereto as Exhibit A (the “**Lease Agreement**”).

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 execution of the Lease Agreement with SHRSD for use of the Properties, as more fully described in the Lease Agreement.
3. The Mayor is authorized to execute the Lease Agreement in substantially the same form attached hereto as Exhibit A, and subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion and in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto.

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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 Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCED FOR FIRST READING: June 15, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance will authorize a lease of the North Union Street parking lot to the South Hunterdon Regional School District short term while the school is being renovated and the Catholic School building is being used.

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 21-2023, with a public hearing scheduled for July 20, 2023.

Mayor Nowick explained that the reason behind this new ordinance is that the district does not have enough parking at St. John's for its teachers. The North Union St lot has 19 spaces.

There has been some subsequent conversation among Council to allow the use of the Justice Center instead. This ordinance authorizes the lease of 19 spaces to the school district for their use for 180 days.

Councilwoman Kominsky commented that it's great to support the school and she's glad they decided to stay here and keep that area vibrant. Councilman Lide agreed, and said that it would be nice to have them closer to the school than the Justice Center. Councilwoman Lambert pointed out that maybe offering two locations would be beneficial, especially in the winter when there may be snow piled up in parking spaces. Council President Stegman pointed out that reserving the entire North Union Street lot may be detrimental to the downtown business community, especially with the potential loss of parking at Wells Fargo.

Mayor Nowick noted that the school was willing to pay the full meter amount, but the City offered to decrease the rate and split it into two payments. It is his opinion that one lot (whichever one) would be better from a management standpoint – enforcement and signage could get confusing in multiple locations.

The City Attorney explained that it would basically be a lease agreement with the school for 19 spaces, with clearly defined terms. Potentially the school could pay for the signage.

Councilman Lide asked if ParkMobile could potentially be used to control who parks in what spaces?

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Mayor Nowick echoed the importance of clear communication and signage, for teachers, residents, and visitors. Logistically, if police were to patrol the lot, it is easier to do it in one lot than all across the City. We will continue to talk about this and come to a further agreement. Council President Stegman reiterated the need to decide quickly and give the school an answer.

City Police will count open spaces over time and make a decision on how to serve the school and have parking, which may be the only lot in the CBD for other uses.

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 22-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Parking Meters, to Create a Parking Services Agency*

WHEREAS, the City of Lambertville (the “City”) is a municipal corporation of the State of New Jersey; and

WHEREAS, in accordance with *N.J.S.A. 2B:12-30*, the Administrative Office of the Courts of the State of New Jersey provided for the procurement and maintenance of hand-held data entry devices and related equipment for use by the New Jersey parking authorities or agencies in connection with the Parking Authority Tickets System (the "PATs System"); and

WHEREAS, the viability of the PATs System in the City would promote efficiency in the administration of parking enforcement in the City; and

WHEREAS, the City desires that, upon the effective date of the within ordinance, the PATs System will be utilized in the City under the supervision of the Parking Services Agency which is hereby created in the City as a division of the City government, as follows:

§ 2-10.5 Creation of Parking Services Agency.

Within the Department of Public Safety there is hereby created a Parking Services Agency. Under the supervision and direction of the Police Director, or in the absence of a Police Director, the Officer in Charge of the Lambertville Police Department, the Parking Services Agency shall have oversight over and control of the City's parking system that consists of on-street parking and parking within City lots and garages, as well as equipment owned, leased or otherwise under the control of the City of Lambertville.

a. Function of Agency. The functions of the Parking Services Agency shall be to manage parking within the City, including, but not necessarily limited to, on-street parking and parking within City lots as well as any equipment owned, leased

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or otherwise under the control of the City of Lambertville and used for parking regulation enforcement.

b. Employees. The Parking Services Agency shall be managed by the Police Director or Officer in Charge, who shall be appointed by the Mayor. This division shall include the Police Director or Officer in Charge, and may include Parking Enforcement Officers and such additional support, maintenance and enforcement staff as may be approved from time to time by the Mayor.

c. Enforcement responsibilities. Enforcement of parking regulations in the City, including but not limited to time limits and general prohibitions, shall be by the Police Director or Officer in Charge, City Police Officers and any Parking Enforcement Officers.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Governing Body hereby amends Chapter 8 of the Code to establish the Parking Services Agency

Section 3. The City Clerk is hereby instructed to forward a certified copy of this Ordinance to Administrative Office of the Courts.

Section 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.

Section 5. If any provision of the Code is in conflict with or inconsistent with the provisions of this Ordinance, it shall be rescinded upon approval hereof.

Section 6. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk.

Section 7. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCED FOR FIRST READING:

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PUBLIC HEARING AND SECOND READING:

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Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance will open a funding opportunity to the City for electronic parking tickets. He thanked Sue Bacorn who did a lot of the leg work in crafting the ordinance. It is designed to streamline tickets and the money into the general funds.

Councilman Lide asked if the agency would add any City employees? Mayor Nowick answered that it may have the potential to reduce staffing.

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.

X. ORDINANCES PENDING

Mayor Nowick informed the public that the Governing Body is working on the following Ordinances:

- a. Short term Rentals
- b. Construction Site Debris Management. An ordinance to regulate the cleanup of debris generated from construction sites in the City.
- c. Flood Mitigation Fee Waivers: The City would waive permitting fees for property owners making flood mitigation improvements.

XI. ORDINANCES – SECOND READING

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.*

Due to the length of the Ordinance, it has been posted separately.

Mayor Nowick explained that since the last meeting, there have not been any updates – we have still not gotten an answer from the DEP or from SHPO. We are also still waiting for an answer from the National Park Service.

Ken Rogers confirmed that we are not at risk of consequences for not passing it in the designated time period.

Mayor Nowick stated that personally he is ready to adopt as-is and amend it in the future, but senses the Council wants to wait.

Councilman Lide made the motion to carry the Ordinance 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 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.

2.11 Yard Waste Collection

Leaves shall be placed in compostable/biodegradable bags.

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

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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.

All items placed to the curb for pick-up shall not be 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.

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**.

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
AMENDED:	May 18, 2023
PUBLIC HEARING AND SECOND READING:	June 15, 2023

Mayor Nowick read the Ordinance into the record by title.

Mayor Nowick opened the public hearing for Ordinance Number 12-2023 and he asked for public comments.

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Judy Gleason of Lambertville commented that she doesn't know what this Ordinance does.

The City Attorney explained that it is just an update that changes some of the language about what can be collected in the containers. Councilwoman Kominsky added that these changes are necessary to meet a DEP requirement for the MS4 permit, and that the new restrictions are to regulate refuse going into the street and storm drains. Council President Stegman suggested that after this series of ordinance updates are all approved, we could offer a "cliff's notes" version to the public.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 12-2023. 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.

Mayor Nowick asked for a motion to adopt on second reading Ordinance Number 12-2023. 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.

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 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 without first obtaining a Zoning Permit, that meets the following conditions:
 - 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

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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

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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) who is found to be in violation of the provisions of this ordinance shall be subject to the following:
 - a. Failure to comply within the given time frame will result in a:
 - i. first offense penalty not to exceed \$250.00
 - ii. second offense penalty not to exceed \$2,000.00
 - iii. third offense, a court summons shall be issued to the property owner for non-compliance

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: July 20, 2023

Please see the Memorandum from the Planning Board with recommendations for changes.

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Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that the Planning Board has reviewed the Ordinance and made the following suggestions:

1. C. Prohibited Conduct - Currently, no approval or permit is required for *repaving, repairing, resurfacing reconstruction or altering* any surface. The Planning Board has recommended that the Governing Body amend the ordinance to require any resident or property owner to obtain approval, via a Zoning Permit, prior to any alterations.
2. F. Penalties - The following procedure is proposed;
 - a. The assigned Municipal Official shall first issue a memo to the property owner informing them of the requirement to obtain municipal approval. The property owner will have a time limit of 30 days, from the time the memo is issued, to comply.
 - b. Failure to comply within the given time frame will result in a first offense penalty, not to exceed \$250.00.
 - c. Second offense penalty shall not exceed \$2,000.00
 - d. Third offense, a court summons shall be issued to the property owner for non-compliance.

Amendments to the existing Zoning Permit application will be made that require any applicant to confirm whether a private inlet exists on the property before a permit will be issued.

Mayor Nowick asked for a motion to amend Ordinance Number 14-2023, with a public hearing scheduled for July 20, 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.

ORDINANCE NUMBER 16-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commission, Section 16, Shade Tree Commission*

CHAPTER 3. MUNICIPAL OFFICERS; PROCEDURES; DEPARTMENTS, BOARDS AND COMMISSIONS

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

3-16. SHADE TREE COMMISSION

3-16.1. MEMBERS; APPOINTMENT

- a. The Mayor is hereby authorized to appoint seven persons to act and be known as the Shade Tree Commission for the City of Lambertville, New Jersey. In the event of a vacancy, the appointment of the new member shall be made to complete the unexpired term. All appointments, except to fill vacancies, shall take effect on January 1, and shall be for five years.

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- b. Ord. No. 10-2018 creates two additional positions on the Shade Tree Commission, changing the board from a five-member to a seven-member board. For the first year of the appointment, the first position shall be for five years, expiring on December 31, 2023, and the second position shall be for a four-year appointment expiring on December 31, 2022.
- c. The Mayor is hereby authorized to appoint two (2) persons to serve as Alternate Members on the Shade Tree Commission, to be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2.”. For the first year of appointment, the term of Alternate No. 1 shall commence on the date of appointment and shall expire on December 31, 2028, and the term of Alternate No. 2 shall commence on the date of appointment and shall expire on December 31, 2026. Thereafter all appointments, except to fill vacancies, shall take effect on January 1, and shall be for five (5) years.
- d. In the event of a Commissioner’s absence or an unfilled vacancy, Alternate No .1 shall serve as a Commissioner for the duration of the Commissioner’s absence or vacancy.

3-16.2 STATUTORY AUTHORIZATION

The provisions of N.J.S.A. 40:64-1 to 40:64-14 as amended wherein the amendments apply to a municipality shall be part of this section.

3-16.3 PURPOSE

- a. The Mayor and Council of the City of Lambertville have determined that the preservation of Shade Trees within the City is beneficially linked to the health, safety, and well-being of the City’s inhabitants, and enhances the aesthetic and historic character of the City. It is also recognized that Trees perform beneficial ecological functions related to air quality, temperature and noise modulation as well as control of stormwater runoff. This section provides for the protection of Trees within the Shade Tree Commission’s Jurisdiction Zone from indiscriminate destruction, harm to, or removal as set forth below.
- b. The establishment of standards for the removal and maintenance of Trees existing on private property, that also share space within the Commission’s Jurisdiction Zone, is in keeping with the recognition that actions undertaken on individual properties can have a significant impact on neighboring properties. Land use and zoning regulations provide the framework for establishment and preservation of beneficial standards of environmental, social, economic and aesthetic land use management, which benefit the maintenance of a healthy urban forest and Tree canopy.

3-16.4 SCOPE OF REGULATORY POWERS AND ADVISORY AUTHORITY

- a. Regulatory Powers: The Shade Tree Commission shall have authority over policy, planning, management and maintenance of any and all Trees, that exist wholly within, or whose Dripline extends into, the Shade Tree

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Commission's Jurisdiction Zone. These powers shall include, but shall not be limited to, approval and/or disapproval of maintenance, planting, and removal of Shade Trees, enforcement against violations pursuant to Lambertville City Code Section 1-5 General Penalty, and entering onto private property for the purpose of inspection, advising, planting, removal, bracing, shaping, trimming, watering, fertilizing and treatment for pests and disease, and assessment of Shade Tree Hazards.

1. Private Property within the Jurisdiction Zone: The Property Owner is responsible for all matters pertaining to Shade Tree planting, removal, disease control and maintenance subject to Commission review and approval pursuant to the terms and conditions set forth herein at the Property Owner's sole expense.
 2. City Owned Property: The Shade Tree Commission shall have authority over all Shade Trees on City-owned property and shall coordinate with the Chairperson of the City's Parks and Recreation Commission and the Department of Public Works, as necessary and appropriate, regarding planting, removal, disease and pest control and maintenance of Shade Trees at the City's sole expense. However, Tree maintenance work as might be necessary and appropriate within parks and other properties owned by the City shall not be subject to the Shade Tree Action Request Procedures set forth in Section 3-16.9.
- b. Advisory Role to City Agencies: The Shade Tree Commission may provide advice and consultation to the City Council, boards, commissions and personnel, and shall be given a period not to exceed sixty (60) calendar days to provide review, consultation and recommendations to the Planning Board, Parks and Recreation Commission, City Council, City Engineer, Construction Official and the Director of Public Works, as appropriate, regarding the following:
1. Tree planting, location, number, species and size or Tree removal as part of any City sidewalk and/or street construction projects;
 2. Tree planting in connection with the site plan approval process for private developments; and
 3. Tree pruning, trimming and other Tree maintenance work within parks and other properties owned by the City.
- c. Educational Role:
1. Tree Maintenance Information. The Shade Tree Commission shall provide information about Trees to the public. This information will include, but not be limited to, proper planting and trimming practices, fertilizing, treatment and prevention of diseases and pests and general maintenance of Trees.
 2. Recommended Shade Tree List: The Commission will also maintain a

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publicly available Recommended Shade Tree list. The list will identify native species and will recommend their use where, when or if the species is appropriate, available and best for a particular location.

3. Interagency Coordination. The Commission may also participate in and coordinate with other agencies, Commissions, and organizations to raise awareness of the importance of supporting an ecologically balanced and biodiverse urban forest.

3-16.5 DEFINITIONS

The following defined terms shall appear with first letter capitalized when used in §3-16.1 et seq., and shall have the meanings indicated:

APPLICANT (ELIGIBLE)

The eligible person who completes and submits the Shade Tree Action Request Form to the Commission. For the purposes of this Subsection, an Eligible Applicant shall be restricted to the entities listed below:

- a. The Property Owner - The owner of the property where the Shade Tree is located or where a proposed Shade Tree is to be planted; or
- b. The Adjoining Property Owner - In the event the branches of a Shade Tree encroach across the property boundary to an adjoining property, the adjoining Property Owner suffering said encroachment shall be an eligible Applicant; or
- c. The Authorized Agent of a Business Property Owner - In the event the Shade Tree is located or proposed to be located on property that is owned by a business entity (e.g. A corporation, LP or LLC), the business entity's Authorized Agent shall be the eligible Applicant and documentation of the Authorized Agent's authority to represent the business entity shall be provided; or
- d. The Authorized Agent of an Individual Property Owner - In the event the owner of the property where the Shade Tree is located is unable to complete the Shade Tree Action Request Form, the Property Owner may submit a signed statement which names an Authorized Agent and states the scope of the Agent's authority to act on behalf of the Property Owner.
- e. Property Owner in a Home Owners' Association - In the event an Applicant wishes to request approval to take an action related to a Shade Tree within a Home Owners' Association's property boundaries, the governing body of the Home Owners' Association must furnish written authorization for the Applicant to make such a request.

AUTHORIZED AGENT OF THE PROPERTY OWNER

A person having the written authorization to act on behalf of the person who is the deed holder on a property, or who has the written authorization to act on behalf of the governing body of the business entity that is the deed holder on the property.

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AUTHORIZED REPRESENTATIVE OF THE CITY

Any employee of the City's Department of Public Works, as designated by the Mayor, or any member of the Shade Tree Commission.

CALIPER

The measurement of the diameter of a Shade Tree at twelve (12) inches above ground. This measurement is used to determine the Shade Tree size for planting.

COMMISSION

The Lambertville Shade Tree Commission

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of the main stem of a Tree, or the combined diameters of a multi stemmed Tree, measured four and a half (4.5) feet above the surface of the uphill side of the Shade Tree. Where the roots have girdled upward, the measurement shall be taken from the beginning of the clearest uphill vertical trunk line. The top diameter of a Stump less than four and a half (4.5) feet tall shall be considered the "DBH" of an illegally destroyed Shade Tree for the purpose of calculating recompense.

DRIPLINE

The area directly under the outer perimeter of a Tree's branches.

JURISDICTION ZONE

The area or space bordering any public street, sidewalk or pedestrian walkway which is reserved for public purposes inclusive of Shade Tree growth and protection. The Jurisdiction Zone shall extend from the outer edge of the sidewalk or walkway to the outer edge of the opposite sidewalk or walkway. Where no opposite sidewalk or walkway exists, the Jurisdiction Zone shall extend eight (8) feet beyond the edge of the street.

LETTER OF DETERMINATION

An official letter from the Commission which grants or denies approval and/or sets conditions for actions applied to a specific Shade Tree Action Request.

ROOT BARRIER

A physical barrier that is designed and installed to redirect root growth down and away from sidewalks and other infrastructure.

NOTICE OF SHADE TREE HAZARD

A letter from the Commission which notifies a Property Owner that a Shade Tree on the Property Owner's property presents a Shade Tree Hazard as defined herein and which directs appropriate measures to mitigate said Shade Tree Hazard as may be appropriate.

NOTICE OF VIOLATION

A letter from the Commission which notifies a Property Owner regarding the specifics of a violation of Article IV § 3-16. of the City Code for which the Property Owner is liable and sets forth the Property Owner's obligations with respect to said violation.

SHADE TREE

Any Tree located wholly or in part within the Jurisdiction Zone, or on private property, which has a Dripline or roots extending into the Jurisdiction Zone.

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SHADE TREE ACTION REQUEST FORM

A standardized form available from the Commission and on the City's website that Applicants must submit to the Commission to request approval for any Commission-regulated action within the Jurisdiction Zone.

SHADE TREE EMERGENCY

A sudden and unexpected event in which a fallen Shade Tree(s) or Shade Tree branches result in pedestrian or traffic obstruction(s), damage or injury to persons or property or damage to utilities.

SHADE TREE HAZARD

A condition involving a Tree within the Jurisdiction Zone that requires immediate action to reduce a risk of falling branch(es) or structural failure which poses a danger of injury or damage to persons or property, or obstructs the movement of pedestrian or vehicular traffic, or obstructs the line of vision in such a manner that drivers and/or pedestrians are blinded to on-coming traffic.

STUMP

The part of the Tree and its surface roots which remains fixed in the ground after the Tree is felled.

TREE

A woody perennial plant having a singular usually elongated main stem usually with few or no branches on its lower part.

TREE CONTRACTOR

A Certified Tree Operator or Licensed Tree Expert pursuant to N.J.S.A. 45:15C-11 et seq.

TREE (LIVING)

A Tree that exhibits any leaves or healthy cambium at a height six (6) feet or greater above the ground.

§3-16.6 Shade Tree Maintenance in Jurisdiction Zone

3-16.6 SHADE TREE MAINTENANCE IN JURISDICTION ZONE

- a. Property Owners: The maintenance, care or removal of any existing or newly planted Shade Tree within the Jurisdiction Zone as defined herein, which requires compliance with any provision of this section shall be the responsibility of the Property Owner on whose property the Shade Tree is located. When a Shade Tree trunk is on a property line, the responsibility for Shade Tree maintenance shall be with the owner of the property containing the largest percentage of Shade Tree trunk circumference. In cases where the Property Owner's lot line does not extend to the edge of the street bordering Property Owner's lot, the Property Owner shall be responsible for maintenance of Shade Trees within the Jurisdiction Zone bordering said Property Owner's property just as if the Property Owner's lot lines extended to the edge of the street.

1. Trimming: Property Owners shall keep All branches of mature Shade

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Trees trimmed to a branching height of ten (10) feet over streets and seven (7) feet over sidewalks, except where the Commission may require greater height clearances to eliminate obstacles and other hazards to vehicular and pedestrian traffic and other hazards. Shrubbery and any vegetation shall be trimmed back to the edge of the sidewalk.

2. **Fallen Leaves and Tree Litter:** Fallen leaves, twigs, and branches shall not be raked into the street or into storm drains.
3. **Shade Tree Hazards:** Wherever, in the opinion of the Commission, a safety hazard is caused by a Shade Tree, whether dead or alive, the Commission may issue a Notice of Shade Tree Hazard and directive to the responsible Property Owner to take action to correct the condition. If, after thirty (30) calendar days from the date of receipt of a Notice of Shade Tree Hazard from the Commission, the responsible Property Owner fails to take corrective action as required and directed by the Commission, the City may have the required work accomplished to address the hazard and may bill assess the responsible Property Owner for the completed work. In the event title to the property is transferred before completion of the hazard remediation measures directed by a Notice of Shade Tree Hazard, the Property Owner's obligation to complete the directed hazard remediation shall not be vacated and shall run with the title to the property.
4. **Care and Protection:** Property Owners shall be responsible for care and protection of their Trees within the Jurisdiction Zone. Unauthorized removal, trimming, chemical treatment, physical or other damage to Trees in the Jurisdiction Zone shall be deemed to be caused by the Property Owner and subject to penalties therefor unless the Property Owner can prove otherwise.
 - a. **Adjoining Property Owners:** Whenever Shade Trees in the Jurisdiction Zone grow across property boundaries and encroach upon adjoining properties, the owner of the adjoining property may exercise rights and authority as an eligible Applicant and submit a Shade Tree Action Request to the Commission to remove the encroaching condition.
 - b. **City of Lambertville:** Notwithstanding the Property Owner's responsibilities for Shade Tree maintenance as set forth above, upon good faith efforts to provide notice to the Property Owner, the City's Shade Tree Commission and Department of Public Works retain the right to perform such routine trimming of low branches as may be necessary from time to time in the interest of providing clear passage for pedestrian and vehicular traffic.

3-16.7 ACTS REQUIRING PERMISSION FROM THE COMMISSION

Except in the case when the Property Owner has been required to take the action pursuant to a written notice or directive issued by the Commission, person or Tree Contractor shall do, or cause to be done, any of the following acts within the Jurisdiction Zone without the written approval of the Commission pursuant to the Shade Tree Auction Request procedures detailed in Subsection 3-16.9 below:

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- a. Plant any Tree.
- b. Remove any Tree.
- c. Cut or trim branches greater than eight (8) feet above a walkway or greater than eleven (11) feet above a street., or cut or trim back encroaching branches more than three (3) feet away from a structure's siding or more than eight (8) feet above the roof of a structure;
- d. Install or repair a sidewalk within four (4) feet of an existing Shade Tree (Ord. 9/21/53, §3);
- e. Install plants, or place planting containers edging borders, structures, brick, stone, concrete, or any other hard material or surface about the base of Shade Trees or anywhere within the Jurisdiction,Zone;
- f. Fasten or attach any sign notice, rope, wire, electric attachment or any item to a Shade Tree;
- g. Close or obstruct any open space provided about the base or within the Dripline of a Shade Tree.;
- h. Engage in any actions which, in the opinion of the Commission, might cause harm or death to a Shade Tree;
- i. Apply chemical treatments or pesticides to a Shade Tree; or
- j. Engage in any actions that could limit or impair the use of the Jurisdiction Zone for the growth and protection of Shade Trees.

3-16.8 CONDITIONS APPLICABLE TO SHADE TREE REMOVAL

The removal of a Shade Tree, if approved by the Commission, shall be conditioned upon the following:

- a. **Planting of Replacement Shade Trees.** Upon the Commission's determination to approve a request to remove a Living Shade Tree, Tithe size and number of replacement Shade Trees shall be consistent with the approved Shade Tree Replacement Schedule per Subsection 3-16.10 and planted at the direction of the Commission, within one (1) year of removal of a Living Shade Tree. The Commission may waive the requirement for Shade Tree replacement where it determines that a Shade Tree must be removed owing to its death by natural causes.
- b. **Contribution in Lieu of Tree Replacement.** Alternatively, upon approval of the Commission, a contribution shall be made to the Shade Tree Planting Trust Fund, as established in § 3-16.11 hereof, within thirty (30) calendar days of the approval date, the amount being based upon the Shade Tree Replacement Schedule in Section 3-16.10. Failure to submit the contribution will constitute a violation of this section and shall be subject to the same penalty as if the Living Shade Tree in question had been removed without approval.
- c. **Stump Removal.** Except where the Commission makes a written determination that the process of Stump removal would adversely impact the health and/or survival of neighboring Trees, Tithe Stump of any Shade Tree or shrub shall be removed or ground down to twenty (20) inches below grade. Failure to remove the Stump within one (1) year of Shade Tree removal may result in the City's undertaking the Stump removal process with the Property

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Owner's being responsible for reimbursement to the City for any and all associated costs incurred, and the Property Owner may be subject to monetary penalty for noncompliance.

3-16.9 SHADE TREE ACTION REQUEST PROCEDURES

- a. Submission of Shade Tree Action Request Form. Applicants wishing to perform any of the above regulated activities must first submit a Shade Tree Auction Request Form via the City's website or by hard copy to the Commission. No request will be considered without a fully completed Shade Tree Auction Request Form. All requests will be reviewed and considered at the first regularly scheduled meeting of the Commission occurring at least seven (7) business days after the submission of the Shade Tree Auction Request Form.
- b. Applicant Attendance at Commission Meeting. Applicants are encouraged to attend the Commission Meeting to present supporting documentation for their requests and to provide clarification where necessary, but attendance is not mandatory.
- c. Commission Determination
 1. The Commission shall review each Shade Tree Auction Request Form and shall grant or deny said request within ninety (90) business days of first review. If the request is granted, the Commission shall state in a Letter of Determination the type of species of Shade Tree to be planted or removed, cut, trimmed or pruned or other action involving a Shade Tree and may set forth specifications and conditions for doing the same. It shall then be unlawful to take any action contrary to any and all specifications set forth in the Letter of Determination. Applicants will be notified in writing by hand delivery or United States Postal Service mail of the Commission's determination.
 2. The Commission may determine to waive or modify the requirements for Tree replacement as set forth in 3-16.10.a below where the Commission finds that the site constraints impose significant limitations to the chances of survival or the long-term health of the replacement Shade Tree or would interfere with utilities or pedestrian or vehicular.
- d. Duty to Post Authorization During Approved Shade Tree Work. Applicants issued a Letter of Determination by the Commission are required to post a copy of said letter in a visible location or present it upon request to any Authorized Representative of the City while work is done by a Tree Contractor or by the Property Owner. Failure to produce a Letter of Determination upon request shall be cause for the Authorized Representative of the City to direct that all work being performed on the Shade Tree is to immediately cease. The cease work directive shall remain in effect Until such time that a Letter of Determination is presented which authorizes the work
- e. Duty to Comply with Commission Conditions and Requirements. Failure to comply with any or all conditions set forth in the Letter of Determination by the Commission may result in enforcement action by the Commission as if

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none of the conditions were met and the Shade Tree action had taken place without any prior approval.

- f. Sunset of Determinations. The Commission’s Letter of Determination for Tree actions shall expire after eighteen (18) months of the issuance of the Commission’s Letter of Determination except that approvals to remove a Shade Tree and/or Stump shall have no expiration date and shall transfer to subsequent Property Owner(s).

3-16.10 NEW AND REPLACEMENT SHADE TREE REQUIREMENTS

- a. Replacement Shade Tree Size and Number. Unless the Commission determines that site conditions necessitate otherwise to better assure establishment of a healthy Tree, the Shade Tree Commission shall require that all new and replacement Shade Trees be a minimum size of 2 ½ inch caliper and be planted in accordance with accepted planting practices as directed by the Commission. In the event the Commission issues a Letter of Determination approving the removal of a Living Shade Tree, an Any replacement Shade Tree must be provided and planted by the Property Owner in accordance with the following Shade Tree Replacement Schedule:

Shade Tree Replacement Schedule

Size of Living Shade Tree(s) Removed/destroyed	Required No. of Replacement Trees(s) for Each Living Shade Tree Removed/Destroyed	Fee per Replacement Shade Tree in Lieu of Planting
1 to 4.99 in. DBH	1	\$500
5 to 10.99 in. DBH	2	\$1,000
11 to 16.99 in. DBH	3	\$1,500
17 or greater in. DBH	4	\$2,000

- b. Annual Adjustment of Replacement Fees. The Shade Tree replacement fees contained in the Shade Tree Replacement Schedule may be reviewed annually and adjusted to reflect current pricing.
- c. Shade Tree Selection and Placement. The Shade Tree Commission’s approval is required for determining the species, size and planting location of any new or replacement Shade Tree within the Jurisdiction Zone.
- d. Shade Tree Replacement Deadline. When the Commission determines that replacement of a Living Shade Tree is required, the Property Owner shall be required to supply and plant the replacement Shade Tree(s) within one (1) year from the date of the Commission’s Letter of Determination regarding removal of a Living Shade Tree and replacement. Any replacement Shade Tree or shrub must survive in good health for a period of two (2) years from

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the date of planting. If, in the opinion of the Commission, the a replacement Shade Tree dies or fails to thrive for two (2) years following the date of planting, that Shade Tree must be replaced by the Property Owner. Any subsequent replacement Shade Tree shall be subject to the same conditions as stipulated in the Commission's original Letter of Determination for a period of two (2) years from the date of planting.

- e. Payment in Lieu of Shade Tree Planting. In the event the Commission approves removal of a Living Shade Tree(s), and the Commission determines that the location of said Shade Tree(s) would not be conducive to the health of a required replacement Shade Tree(s), the Commission may direct the Property Owner/Applicant to make a monetary contribution to the City's Shade Tree Planting Trust Fund in lieu of planting a replacement Shade Tree(s). This contribution in lieu of planting a replacement Shade Tree shall be made within thirty (30) business days of receiving the Commission's Letter of Determination regarding the Shade Tree removal. Tithe amount of said contribution shall be as defined under this section and pursuant to the Shade Tree Replacement Schedule in Subsection 3-16.10.a. and as specified in the Commission's Letter of Determination.
- f. Installation of Root Barrier. Whenever a new Shade Tree is planted, a root barrier of a type and size approved by the Commission may be required.

3-16.11 SHADE TREE PLANTING TRUST FUND

There is hereby established a "trust fund" account, which shall be known and designated as the "Shade Tree Planting Trust Fund." (No Change)

- a. Funds from the Shade Tree Planting Trust Fund account shall be separate and distinct from the Commission's annual budget and shall only be used for the purchase and planting of Shade Trees within the Jurisdiction Zone.
- b. Contributions or donations from individuals, groups or businesses, for memorial purposes or any other reason, may be made directly to the Shade Tree Planting Trust Fund. (No Change)
- c. Withdrawals and transfers from the Shade Tree Planting Trust Fund shall require the signed authorization of the Shade Tree Commission.

3-16.12 PROTECTION OF SHADE TREES

Property Owners shall cause no actions within the Jurisdiction Zone which could impair the viability of existing or future Shade Trees, and Property Owners shall nurture existing Shade Trees within the Jurisdiction Zone and protect them from actions and conditions that could impair their health or threaten their survival including, but not limited to the following:

- a. From Wires and Utility Work.
 - 1. Utility Wires. Any person, having control over any wire for the transmission of electric current, telephone or other communications or media cable, or any other utility service along a public street, highway,

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pedestrian way, or Commission Jurisdiction Zone, shall at all times protect all Shade Trees from harm caused by wires or from the current carried by them.

2. Wiring for Decorative Lighting. In order to protect against girdling, Shade Trees shall not be wrapped with wires for any period in excess of forty-five (45) calendar days.
 3. Duty to Provide Notice. Prior to undertaking any work on the utility wires, cables or appurtenances in contact with or affecting any Shade Tree, the utility company shall provide at least ten (10) business days prior written notice to the City Clerk, Shade Tree Commission, and the abutting Property Owner and shall detail the nature of the work and the necessity therefor upon which notice the Shade Tree Commission and Property Owner shall be provided with an opportunity to request measures to protect the impacted Shade Tree(s) and recommend appropriate mitigating measures
- b. Chemicals. Except as approved by the Commission for treatment of disease or for pest control by a New Jersey Certified Pesticide Applicator, or for feeding as determined necessary and appropriate by a Certified Tree Operator or Licensed Tree Expert pursuant to N.J.S.A. 45:15C-11 et seq., Property Owners shall protect Shade Trees from chemicals. No persons shall cause or permit any injurious chemicals to come in contact with the stem, trunk, canopy, or roots of any Shade Tree within the Jurisdiction Zone including but not limited to: brine, gas, gasoline, motor oil, diesel fuel, solvents, or other toxic substances. (Ord. 9/21/53§5)
- c. Actions Likely to Cause Tree Harm or Death. No person shall perform or permit any intentional or negligent act that will cause harm or death to a Shade Tree. Negligent or intentional damage shall include, but shall not be limited to:
1. Damage inflicted to the root system by machinery or cutting tools;
 2. Storage or operation of heavy equipment, or storage of heavy materials, or other practices which cause soil compaction within the Dripline of a Shade Tree;
 3. Change of natural grade of soil above or below the root system or around the trunk;
 4. Damage inflicted on a Shade Tree which exposes the cambium of a Shade Tree and creates an opportunity for decay organisms, fungus, pests, bacteria or other infestations to infect a Shade Tree;
 5. Improper pruning, flush cutting, or thinning of a Shade Tree including removing in excess of 20% of the living crown, and/or topping, tipping, trimming or pruning which is so excessive that it threatens the health of the tree, or excessive thinning of the crown leading to the failure to thrive;

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6. Paving over the root system of a Shade Tree with any impervious materials within such proximity as to be fatally harmful to the Shade Tree;
7. Application of toxic substances except as set forth in subsection 3-16.12.b above;
8. Trenching of roots, cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of a Shade Tree;
9. Deliberately or negligently setting fire to a Shade Tree;
10. Except in the case of Shade Tree removal as approved by the Commission, Tree climbing practices that expose the cambium such as spiking, trimming, or use of climbing spurs or gaffs; and
11. Attachment of any item to a Shade Tree by means of mechanical fasteners such as nails, screws, spikes, or staples which penetrate the bark and enter the cambium.

3-16.13 INTERFERENCE WITH SHADE TREE COMMISSION PROHIBITED

No person shall prevent, delay or interfere with any lawful work undertaken by the Commission or an Authorized Representative of the City.

3-16.14 PENALTY

- a. Any person who shall violate any of the provisions of this section shall be liable to the penalty in Chapter 1, § 1-5, for each and every such violation to be recovered as provided by law (N.J.S.A. 40:49-5). The ordinances shall be enforced by like proceedings and processes. Enforcement thereof shall be the same as that provided by law for the enforcement of the ordinances of the City.
- b. Any public utility or cable television company that clears, moves, cuts, or destroys any Shade Trees for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures, necessary for the supply of electric light, heat, power, communication, or cable television services upon any lands in which it has acquired an easement or right-of-way, shall not be subject to any penalty. This section shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent or injurious actions as determined by the Commission.

3-16.15 NO LIABILITY FOR DEATH OR INJURY

Nothing in this section contained shall be construed to make the Shade Tree Commission or any member thereof, or any volunteer participating in a community forestry program as provided for by Section 4 of P.L. 1996, c. 135 (N.J.S.A. 13:1L-17.4), responsible for the death or injury of any person, or for an injury to any property or highway tree or shrub. Liability for any such death or injury shall be governed by the provisions of Section 16 of P.L. 1996, c. 135 (N.J.S.A. 59:4-10)

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and any other relevant provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq. Emergencies

3-16.16 EMERGENCY

All matters related to a Shade Tree Emergency as defined in Section 3-16.5 hereof fall under the jurisdiction of the City's Emergency Management Coordinator, and are outside the scope of Section 3-16.1 et seq.

3-16.17 SEVERABILITY

If any sentence, clause, section, or part of this section is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this section.

3-16.18 CONFLICTING ORDINANCES

In the event this section conflicts with or overlaps with any other ordinance, the provisions of this section shall take precedence rendering inapplicable any conflicting or overlapping ordinance provisions. (No Change)

3-16.19 EFFECTIVE DATE

The terms and conditions of this section shall take effect upon adoption by the Lambertville City Council. (No Change)

INTRODUCTION AND FIRST READING: May 18, 2023
PUBLIC HEARING AND SECOND READING: June 15, 2023

Mayor Nowick read the Ordinance into the record by title. He acknowledged and thanked Helen Pettit for her leadership role in recommending these changes.

Mayor Nowick opened the public hearing for Ordinance Number 16-2023 and he asked for public comment.

Hearing no comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 16-2023. 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.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval of Ordinance Number 16-2023. 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 17-2023: *An Ordinance to Amend the Ranges in the Salary & Wage Ordinance.*

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of

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Hunterdon, State of New Jersey as follows:

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

Accounts Receivable Clerk	\$18.00/hour – Part Time (12 hrs/week)
Court Administrator	\$26,000 - \$70,000
Construction Code Official	\$17,000 - \$102,800
Public Works Director	\$25.00 - \$55.00 per hour – Part Time \$55,000 - \$74,805 – Full Time
Public Works Class C: Operator (less than 5 years experience)	\$15.00 - \$30.00 per hour – Part Time \$27,000.00 - \$37,100 – Full Time
(with CDL license)	\$27,000.00 - \$40,000 – Full Time

This ordinance shall be retroactive to January 1, 2023.

INTRODUCED: May 18, 2023

ADOPTED: June 15, 2023

Mayor Nowick read the Ordinance into the record by title. This Ordinance establishes salary ranges for employees and needs to be updated periodically either due to a new hire, or an increase in salary.

Mayor Nowick opened the public hearing for Ordinance Number 17-2023 and he asked for public comment.

Hearing no comments from the public, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 17-2023. 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.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval for Ordinance Number 17-2023. 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 18-2023: An Ordinance Of The City Of Lambertville, In The County Of Hunterdon, New Jersey, Providing For Various Capital Improvements Of And For The City, Appropriating \$1,020,113 Therefor, And Authorizing The Issuance Of \$1,004,120 In General Improvement Bonds Or Notes Of The City To Finance The Same.

BE IT ORDAINED BY THE CITY COMMITTEE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,020,113, including the sum of \$437,240 in state grants, consisting of a \$365,240.00 New Jersey Department of Transportation Municipal Assistance Grant and a NJDEP grant in the amount of \$72,000 and further including the sum of \$15,993 as the down payment for several purposes as required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,004,120, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are as follows:

I. Purpose. Improvements to City Owned Property including but not limited to a new roof at City Hall, upgrades and repairs to the elevator at City Hall and interior and exterior repairs to the Library Building, and further including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$170,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$161,500
<u>Period or Average Period of Usefulness:</u>	13.52 years
<u>Amount of Down Payment:</u>	\$8,500

II. Purpose. Upgrades to technology infrastructure and equipment, including but not limited to acquisition of new tablets or laptops Surface Pro for fire inspection and Clerk's Office, electronic Planning table, computer display screen, storage cabinets, records management and digitization of official City records and servers, including all work and related materials necessary thereof or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$39,850
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$37,857
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$1,993

III. Purpose. Acquisition of vehicles and equipment for City Police Department, including but not limited to one Police SUV, including customization and related equipment to allow the vehicle to be used for its intended use, and security equipment, including all work and related materials necessary thereof or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$70,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$66,500

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Period or Average Period of Usefulness: 5.71 years
Amount of Down Payment: \$3,500

IV. Purpose. Acquisition and installation of Charging Stations for electric vehicles, including all work and related materials necessary thereof or incidental thereto.

Appropriated and Estimated Cost: \$72,000
Estimated Maximum Amount of Bonds or Notes: \$72,000
Period or Average Period of Usefulness: 15 years
NJDEP GRANT (Reimbursement based): \$72,000

IV. Purpose. Improvements to City roads, including but not limited to North Franklin Street, Studdiford Street, Coryell Street and Swan Street, including related work to curbing, grading, drainage and storm water management, including expenses incurred in the planning, design and bidding thereof, and including all work and related materials necessary thereof or incidental thereto.

Appropriated and Estimated Cost: \$628,263
Estimated Maximum Amount of Bonds or Notes: \$628,263
Period or Average Period of Usefulness: 20 years
NJDOT MAP GRANT (Reimbursement based): \$365,240.00

VI. Purpose. Replacement, repair and updating of sidewalks on various locations in City right of way, including all work and related materials necessary thereof or incidental thereto.

Appropriated and Estimated Cost: \$25,000
Estimated Maximum Amount of Bonds or Notes: \$23,750
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$1,250

VII. Purpose. Acquisition of holiday lights, decorations and banners for City streets, including all work and related materials necessary thereof or incidental thereto.

Appropriated and Estimated Cost: \$15,000
Estimated Maximum Amount of Bonds or Notes: \$14,250
Period or Average Period of Usefulness: 5 years
Amount of Down Payment: \$750

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment

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of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, is 8.91 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,004,120, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The City reasonably expects to commence the acquisition of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof, exclusive of the State Grant already appropriated herein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The City Committee hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Nowick read the Ordinance into the record by title. He noted a scripter's error in Section 3, that was corrected to include a second grant from NJDOT. After Consultation with the Bond Counsel, it was determined that this was a scripter's error and did not change the overall amount of the bond and therefore, no amendment is required.

Mayor Nowick opened the public hearing for Ordinance Number 18-2023 and he asked for public comment.

Paul Stevens of Lambertville: Mr. Stevens commented that he finds a few of the items to be fiscally irresponsible given our budget situation. He encouraged the City to have full operational plans before spending money.

George Seriusos of Lambertville: Mr. Seriusos noted that it appears that we are financing 100% of our improvements, and asked if that was correct. Mayor Nowick responded that the City does not have the funds in capital reserve for these expenses. The Mayor also noted that the EV Charging project will be paid down by reimbursement from grant funding.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 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.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval of Ordinance Number 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.

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

Mayor Nowick noted that there will be no action on Ordinance Number 19-2023. Amendments are required to clarify the section pertaining to alcoholic beverages, and the Governing Body would like to look at lowering the fees.

We will have a meeting, which is largely a closed session on June 22. It will be open to the public and we will consider this ordinance for second reading at that time.

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

XII. CORRESPONDENCE

Mayor Nowick read the correspondence into the record.

- a. Lambertville Municipal Utilities Audit Report
- b. JCP&L, BPU DOCKET NO. ER23020060, notice of public hearing for Solar Renewable Energy Certificate Financing Component
- c. Union Chill thanking the City Council and in Lambertville for support. Now open.

XVII. MAYOR'S UPDATES

USDA/NRCS MUSIC MOUNTAIN: Hilary Trotman will be sending suggestions about music mountain, looking at doing work at the gully behind the fire house. Work won't take place until next year.

XVIII. ANNOUNCEMENTS

CONVENIENCE CENTER HOURS

Saturday, July 1 and July 15

Wednesday, July 19

SUMMER CALENDAR

Only One Council Meeting In July and August

Public Works Hours are from 6 am to 2 pm, Monday through Friday

IXX. PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Paul Stevens of Lambertville: Mr. Stevens encouraged the Governing Body to come up with long-term plans for City expenditures.

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Bill Neeley of Lambertville: Mr. Neeley noted his support of Council's decision to not act on the Ordinance until all of the outstanding questions are answered.

Margaret Carmelli, representing Maxwell Assets, via Zoom: Ms. Carmelli asked for updates on issues surrounding the Flood Prevention Ordinance and Mayor Nowick responded.

Mayor Nowick asked for a motion to close the public participation section. 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.

XX. ADJOURNMENT

Before adjournment, Councilman Lide mentioned the discussion regarding the sale of the Hibernia Firehouse.

The City attorney explained that he had reviewed the title report for the Hibernia and found nothing that indicated that the City had a beneficial interest in the property.

The meeting adjourned at 8:25pm with a motion made by Councilwoman Lambert and seconded by Councilman Lide. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.