



**CITY OF LAMBERTVILLE
SPECIAL SESSION
6:30 P.M. THURSDAY, JUNE 22, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES**

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 6:30 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided to the newspapers, individuals on the listserv, department heads and posted on the bulletin board at City Hall and the City's website.

The meeting agenda offers planned action items at the time of publication and is subject to change.

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

ROLL CALL

The City Clerk called the roll as follows:

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

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Lawrence Wohl of Archer & Greiner, representing DelVue Arcade LLC: Mr. Wohl spoke regarding the proposed vending & amusement machine Ordinance. He asked that the matter be tabled until the language is further reviewed. He commented that the ordinance contains unreasonable fees.

Peter Hollace of Lambertville: Mr. Hollace spoke regarding the Bridge Rehabilitation. He expressed concern for the closing of the walkway, which will be closed for three months. He felt they should allow pedestrians to pass as well as cars, and make better accommodations for members of the community.

Judy Gleason of Lambertville (via zoom): Ms. Gleason echoed the concerns of Mr. Hollace. She also mentioned, regarding the vending & amusement Ordinance, that she didn't understand the wording of the ordinance and how it would be applied.

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

Mayor Nowick thanked Mr. Wohl, and he commented that he can't table an ordinance we haven't introduced. In regards to the bridge project, he noted that it is not in our jurisdiction. But we can act on behalf of residents to ask questions which we are happy to do.

Councilman Lide commented that the lights can change colors, and he felt it was appropriate to meet with them to discuss that. He agreed, we do not have jurisdiction over that, but hopefully they will listen to us. Councilwoman Lambert expressed concern for the tourists and the hospitality workers who walk across the bridge because they don't have vehicles or at times when the shuttle wouldn't run.

ORDINANCES – FIRST READING AND INTRODUCTION

ORDINANCE NUMBER 24-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, Mechanical Music Machines, Amusement Devices and Vending Machines. Carried from the June 15, 2023 Session*

Mayor Nowick read the Ordinance into the record by title. He noted that since Ordinance Number 19-2023 was amended a couple of times, the best way to proceed is to introduce a new Ordinance with a public hearing scheduled for July 20, 2023.

ORDINANCE NUMBER 24-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, Mechanical Music Machines, Amusement Devices and Vending Machines

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

§ 5-2.1 Definitions. As used in this section:

[1990 Code § 5-2.1]

ARCADE

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

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

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

Shall mean a machine of the type commonly known and designated as bagatelle, baseball, football, or pinball amusement games or similar machines and particularly, but not by way of limitation, any and all coin-operated amusement devices of any and all types and kinds, which, upon the payment of a user fee, including but not limited to coin, slugs, credit card,

game card, or membership card used to operate or may be operated for use as a game, contest, amusement or entertainment of any description, or which may be used for any such game, contest, amusement or entertainment, and which contain no automatic payoff device for the return of slugs, money, coins, checks, tokens, or merchandise, or which provide for no such pay-off by any other means or in any other manner whatsoever.

AUTOMATIC, AUTOMATED VENDING MACHINE

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

AUTOMATIC, AUTOMATED VENDING MACHINE

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

Non-Electric Vending Machines (AKA Gumball Type)

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

MECHANICAL MUSIC MACHINE

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

PERSON

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

PROPRIETOR

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

RESTRICTIONS

1. Issuance to person or proprietors convicted of a crime is restricted, except as provided by State of New Jersey law, no license shall be issued to or held by any person who has been

convicted of a crime or by any corporation, partnership or association, a member or officer, director or holder of ten percent 10% or more of the stock of which has been convicted of any crime.

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

SOCIAL CLUB

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

TRANSFER OF LICENSE is prohibited.

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

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

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

- a. Vending Machines. The annual license fee, per machine or device, for maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines in any one place shall be as follows:
 1. Mechanical Music Machines - \$75 per year per machine (previously \$100.00).
 2. Automatic Amusement Devices - \$75 per year per machine (previously \$100.00).
 3. Automatic Vending Machines - yearly fee: \$40.00
- (a)
- b. The licenses granted pursuant to this section are not transferable.

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

- a. Application. Every person maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines, shall, on or before May 1 annually, make application to the City Clerk for a license to maintain, operate or use such machines or devices. The application shall be filed with the City Clerk and shall be accompanied by the license fee required in subsection **5-2.3**.
- b. Investigation. The City Clerk shall cause an investigation of each application to be made by the Police Department to determine whether the owner, occupant or tenant of the premises upon which or within these machines or devices are to be maintained, operated or used, is complying with all laws of the State of New Jersey and ordinances of the City of Lambertville relating and pertaining to the preservation and protection of the lives, health, morals and general welfare of the inhabitants of the City; and for the purpose of such investigation, such applicants for licenses shall allow and permit the inspection of any such

place or premises at all reasonable hours by any Police Officer of the City of Lambertville. The Police Department shall make a report of their investigation to the City Clerk.

- c. Favorable Report. If the investigation report is favorable, the City Clerk shall issue the licenses. The effective date of each license shall be June 1 annually and such license shall expire on May 31 annually. Every person maintaining, operating or using these machines or devices shall keep said license posted and exhibited, while in force, in some conspicuous part of the premises.
- d. Unfavorable Report. If the investigation report is unfavorable, it shall be the duty of the City Clerk to refuse the issuance of the license in question. This action of the City Clerk may be appealed to the City Council who shall, after notice and hearing, determine whether the action of the City Clerk shall be affirmed or reversed.
- e. **Licenses are not Prorated.** When any such machine or device is installed on any premises in the City before or after May 1 in any year, an application for a license for such machine or device must be made immediately and the same procedure must be followed as outlined above in the case of the annual application. In such cases there will be no pro-rating of the annual license fee and any license issued upon such application shall be effective only to the time for the next annual license.
- f. Licensee to Be Proprietor, Tenant or Occupant. All licenses hereunder shall be issued to and in the name of the proprietor, tenant or occupant of the premises where the machine or device is to be installed for the maintenance, operation and use thereof.
- g. Investigation Charge. Whenever any application for a license hereunder is rejected, the City Clerk shall retain for the use of the City 20% of the annual license fee as an investigation charge.

§ 5-2.5 Operation of the Machine Regulated.
[1990 Code § 5-2.5]

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

§ 5-3 CIRCUSES, SHOWS, AND CARNIVALS.
§ 5-3.1 License Required.
[1990 Code § 5-3.1]

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

procured a license from the City, or without complying with any and all of the provisions contained in this section, or in any other ordinance adopted by the City which is or may be in full force and effect, shall constitute a separate violation of this section for each and every day that such business is so carried on.

§ 5-3.2 Fees.
[1990 Code § 5-3.2]

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

§ 5-3.3 Issuance of License; Posting.
[1990 Code § 5-3.3]

It shall be the duty of the City Clerk to issue a license under this section for every person liable to pay a license hereunder and to state in each license the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued, the particular business licensed, and the location or place of business where the same is to be carried on. Every person having a license under the provisions of this section and the carrying on such a licensed business shall keep such license posted and exhibited while in force, in some conspicuous part of the place of business. No refund shall be made on any license fee paid on account of a cessation of business after such license shall have been issued.

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

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

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

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

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

City of Lambertville
Work Session
6:30 p.m. Thursday, June 22, 2023
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§ 5-4.2 Fees.
[1990 Code § 5-4.2]

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

INTRODUCED FOR FIRST READING: June 22, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick acknowledged that the City did start looking at this old ordinance when Mr. Spreen formed his social club, because the means of payment in the original just referenced coin-operated machines. The Council discussed Mr. Spreen's request to be classified as a BYOB establishment – the City Attorney noted that BYOB only applies to restaurants and this is not a restaurant.

Councilwoman Lambert mentioned that the original Ordinance was codified in 1990 and the fees have been in place for 30 years. The amendment to that section of the ordinance actually lowers the fees. Discussion ensued regarding the fees. The City Attorney, Mr. Opel commented that the fees are a significant part of the ordinance. The City has done due diligence - they are not pulled out of thin air, and are based on administrative time spent on reviewing the application by the Clerk's Office and the Police Department.

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 24-2023. 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.

CLOSED SESSION: Closed Session of the Governing Body of the June 22, 2023 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the June 22, 2023 Lambertville City Council Meeting to Discuss Personnel and Pending Litigation”

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

City of Lambertville
Work Session
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NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on June 22, 2023, using the virtual meeting platform Zoom, to discuss the following matters: *Contracts, Personnel, Acquisition of Property, and Possible Litigation.*

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

ADOPTED: June 22, 2023

Mayor Nowick and City Council convened in closed session at 7:06 p.m. with a motion made by Councilman Lide and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 9:04 p.m. with a motion made by Councilman Lide and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

Mayor Nowick asked for a motion to the meeting at 9:05 p.m. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege
CMR, RMC, City Clerk