



**CITY OF LAMBERTVILLE
VOTING SESSION
6:00 P.M. THURSDAY, SEPTEMBER 21, 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 6:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act with notice provided to the Hunterdon County Democrat, the Trenton Times, various individuals on the listserv, and department heads. The meeting agenda was posted on the city's website at www.lambertvillenj.org and on the bulletin board at City Hall.

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

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

ROLL CALL

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.

CLOSED SESSION: *Closed Session of the Governing Body of the September 21, 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 September 21, 2023 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)(7)”

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on September 21, 2023, to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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

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Mayor Nowick and City Council convened in closed session at 6:01 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 6:59 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.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and a Moment of Silence.

APPROVAL OF MINUTES

Mayor Nowick asked for a motion to approve the August 17, 2023 Regularly Scheduled Session Minutes. Council President Stegman made the motion to approve the minutes, Councilman Lide seconded the motion, and Councilwoman Lambert abstained because she was not present at the meeting. An affirmative voice vote was taken in favor of the motion by all eligible members. MOTION CARRIED.

Mayor Nowick asked for a motion to approve the September 7, 2023 Work Session Minutes. Councilwoman Lambert made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADMINISTRATIVE REPORTS

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

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.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting up for Public Participation.

Jeff Tittel of Lambertville commented on the grant for stormwater utility, reiterating the importance of cooperation between the many towns in the watershed. He also noted that the administration of the utility needs to be considered – who will do it and what will it cost?

David Burd of Lambertville asked about Resolution Number 142-2023 and Resolution Number 134-2023 which covered the increase in cost for recycling.

5 attendees on zoom

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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.

NATIONAL FISH AND WILDLIFE FOUNDATION GRANT UPDATE

Mayor Nowick introduced Mary Anne Borge of Parks and Recreation and Christiana Pollack, a local volunteer, to review the grant from the NFWF. The City applied for but didn't get the grant last year. We went back and tightened up the application and this year we were awarded the grant. Christi and Mary Anne presented a summary of what the grant will look like.

This application is online <https://lambertvillenj.org/resident/holcombepark>

Ms. Pollack first explained that this is a very competitive grant, and it is quite an honor to receive it. The grant will fund forest restoration, stream stabilization and the creation of wildlife habitat. The main goal is stormwater management. The sledding hill will be preserved - it will be a wildflower meadow in the summer which will be mowed in time for winter sledding. Public engagement is a key component - the public will be involved in the design process, various plantings, and educational outreach.

Ms. Borge explained that while these improvements are all in support of managing stormwater, we get the benefit of wildlife habitat. There is already a nature trail on Music Mountain, which has been recently expanded, and this will be another area of passive outdoor recreation for people.

Mayor Nowick thanked Ms. Pollack and Ms. Borge for the update.

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 the resolutions listed on the consent agenda, numbers 128-2023 through 145-2023, excluding 134-2023 and 141-2023.

RESOLUTION NUMBER 128-2023: A Resolution to Authorize Refunds for Overpayment of Parking Permits, Bulk Trash Permits, Damaged Mailbox, Facility Use Deposits, and a Misapplied Sewer Payments

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 authorized:

Matthew Farrell, overpayment of parking permit: \$42.00

John Pinder, refund for a bulk trash permit fee: \$20.00

Leigh McKay, refund for mailbox damaged: \$50.00

Phillip Coggshall, refund of facility use deposit: \$250.00

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LMUA for Beverly Landstrom's sewer payment applied to taxes in the amount of \$139.21

Coastal Title Agency, Inc. in the amount of \$354.61 for a duplicate payment

RESOLUTION NUMBER 129-2023: A Resolution to Authorize a One-Year Extension to the ACME Screening Room for the Film Series at the Justice Center, With A Monthly Fee of \$300.00

WHEREAS, the City of Lambertville would like to extend the contract with the ACME Screening Room for the Film Series at the Justice Center for one additional year, and

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 the ACME Screening Room is hereby extended by one addition year, expiring on August 31 of 2024 with a monthly rental fee of \$300.00.

BE IT FURTHER RESOLVED that the City will solicit for bids in the first quarter of 2024.

ADOPTED: September 21, 2023

RESOLUTION NUMBER 130-2023: A Resolution to Authorize the Refund of Overpayments for the Third Quarter Tax Payments

NOW THEREFORE BE IT RESOLVED that the following overpayments for third quarter taxes are hereby authorized:

Arthur Rack, Jr., Block 1007, Lot 40, in the amount of \$2,379.14

David and Kathryn Harris, Block 1037, Lot 15, in the amount of \$3,105.87

RESOLUTION NUMBER 131-2023: A Resolution to Accept the 2022 Audit

City of Lambertville

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

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WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the City of Lambertville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ADOPTED: September 21, 2023

RESOLUTION NUMBER 132-2023: *A Resolution to Amend Resolution Number 19-2023, Contract with the Clarke Caton Hinz to Serve as the City Planner and Planner for COAH, to Increase the Not to Exceed Amount in the Contract \$15,000.00 to \$17,500.00.*

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Lambertville authorizes the Mayor and City Clerk to amend Resolution Number 19-2023, to increase the contract amount with the Clarke Caton Hintz, from \$15,000.00 to \$17,500.00 to serve as City Planner and the Planner for COAH.

RESOLUTION NUMBER 133-2023: *A Resolution to Amend Resolution Number 20-2023, Contract with Gilmore & Associates, to Increase the Not to Exceed Amount in the Contract with the City Engineer to \$8,000.00.*

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Lambertville authorizes the Mayor and City Clerk to amend Resolution Number 20-2023, to increase the contract amount with Gilmore & Associates, from \$5,000.00 to \$8,000.00.

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RESOLUTION NUMBER 135-2023: A Resolution to Authorize the Correction of An Erroneous Assessment for Block 1088, Lot 22, commonly known as 22 Belvidere Avenue, Reducing the Assessed Value of the Property to \$170,900 and the 2023 Property Taxes by \$4,002.48

WHEREAS, the Tax Assessor has determined that an erroneous assessment has been placed on Block 1088 Lot 22, commonly known as 22 Belvidere Ave, for improvement value for the tax year of 2023; and

WHEREAS, the Tax Assessor has determined that the Certificate of Occupancy was not issued as of 1/1/2023 creating an excessive assessment of \$253,000 for the improvement value; and

WHEREAS, the Tax Assessor is beyond the Tax Appeal deadline to have such corrections made through the County Board of Taxation for the tax year 2023.

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

1. The Tax Assessor is hereby authorized and directed to reduce the assessment of Block 1088 Lot 22 from \$423,900 to \$170,900.
2. The Tax Collector is authorized to reduce the annual 2023 taxes to the amount of \$4002.48.
3. That certified copies of this resolution be forwarded to the Tax Collector and the Tax Assessor.

RESOLUTION NUMBER 136-2023: A Resolution to Authorize the Chapter 159, An Insertion of a Special Item of Revenue in the 2023 Budget for the Public Works Department Renovation in an Amount of \$500,000.00

RESOLUTION NUMBER 136-2023

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

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

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

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$500,000.00 from NJ Legislative Grant Special Project "Christmas Tree Item"

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

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2023 CY Budget in the amount of \$500,000.00 which item is now available as revenue from the receipt of the NJ Legislative Grant Special Project “Christmas Tree Item”

BE IT FURTHER RESOLVED that a like sum of \$500,000.00 is hereby appropriated under the caption of:

OPERATIONS “EXCLUDED FROM CAP”

Public Works Renovations Grant - \$500,000.00

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

RESOLUTION NUMBER 137-2023: A Resolution to Reject the Bids Received for the Sidewalk Replacement Project

WHEREAS, the City of Lambertville solicited for bids for the Sidewalk Replacement Project on August 4, 2023, and

WHEREAS, the bid opening was held on September 8, 2023 and the City received two bids; and

WHEREAS, the bids received were as follows:

Raja Contractors, Inc. in the amount of \$24,895.00

Berto Contractor, Inc. in the amount of \$40,400.00

WHEREAS, the City Attorney has deemed the bid received from Raja Contractors, Inc. is not responsive and is missing the Consent of Surety for the General Maintenance Bond; and

WHEREAS, the bid received from Berto Contractor, Inc., in the amount of \$40,400.00 exceeds the funds budgeted for this project.

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 bids received for the Sidewalk Replacement Project are hereby reject.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and City Attorney are hereby authorized to rebid the project.

RESOLUTION NUMBER 138-2023: A Civil Rights Resolution

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

RESOLUTION NUMBER 138-2023

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WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the (*name of governing body*) of the (*name of local unit*), hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION NUMBER 139-2023: *A Resolution to Reflect the Totally Disabled Veteran Allowance as of January 18, 2023 in the Amount of \$11,960.76 for Block 1052, Lot 2, 51 South Union Street for Nicholas Brady.*

WHEREAS, the Tax Assessor approved the disabled veteran application for block 1052, lot 2, 51 South Union Street on January 18, 2023; and

WHEREAS, the Tax Collector has advised the need of a resolution of the Governing Body authorizing the cancellation of taxes in the amount of \$11,960.76 for the 2023 calendar year.

WHEREAS, a refund for property taxes was authorized in Resolution Number 96-2023 and therefore, no additional funds are due to 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 property taxes due for 2023 for block 1052, lot 2 in the amount of \$11,960.76 is hereby cancelled.

ADOPTED: September 21, 2023

RESOLUTION NUMBER 140-2023: *A Resolution to Authorize the Insertion of a Special Item of Revenue in the 2023 Budget for the Grant from the New Jersey League of Conservation Voters in the Amount of \$70,000.00.*

RESOLUTION NUMBER 140-2023

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

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

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

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$70,000.00 from the NJ League of Conservation Voters Educational Fund for Storm Water Utility Feasibility Study.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$70,000.00 which item is now available as revenue from the receipt of the, NJ League of Conservation Voters Educational Fund for Storm Water Utility Feasibility.

BE IT FURTHER RESOLVED that a like sum of \$70,000.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Storm Water Feasibility Study Grant - \$70,000.00

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

RESOLUTION NUMBER 142-2023: A Resolution to Amend Resolution Number 35-2023, and Resolution Number 87-2023, A Resolution of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, Conditionally Designating K. Hovnanian Homes, LLC As the Redeveloper of Property Identified as The Lambertville High School Redevelopment Area, Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33 and 33.01, Block 1091, Lots 1 and 1.01, Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1, Et Seq.

WHEREAS, the City of Lambertville, a public body corporate and politic of the State of New Jersey (the "**City**"), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "**Redevelopment Law**") to determine whether certain parcels of land within the City constitute an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on June 19, 2018, the Governing Body of the City (the "**Governing Body**") designated the area known as the Lambertville High School Redevelopment Area and identified as Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33, and 33.01, Block 1090, Lots 4 and 5, and Block 1091, Lots 1 and 1.01 on City of Lambertville Tax Maps including rights of way (the "**LHS Redevelopment Area**"), as an area in need of redevelopment; and

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WHEREAS, on November 26, 2018, the Governing Body adopted Ordinance No. 22-2018, which approved a redevelopment plan to provide specific provisions for the redevelopment of the LHS Redevelopment Area (the “**Original LHS Redevelopment Plan**”); and

WHEREAS, on April 23, 2020, the Governing Body adopted Ordinance 01-2020, which approved certain additional revisions to the Original LHS Redevelopment Plan (the “**Amended LHS Redevelopment Plan**,” and together with the Original LHS Redevelopment Plan, the “**Redevelopment Plan**”); and

WHEREAS, K. Hovnanian Homes, LLC (the “**Conditional Redeveloper**”) submitted a proposal to the City, dated March 2022, along with a project concept plan, dated July 18, 2022 (the “**Proposal**”) for the potential redevelopment of the LHS Redevelopment Area (hereinafter referred to as the “**Property**”); and

WHEREAS, in accordance with the Redevelopment Plan, and as set forth in the Proposal, the Conditional Redeveloper proposes to develop, finance and construct on the Property two hundred (200) town homes, forty (40) of which will be reserved for affordable housing, along with associated amenities and improvements related thereto (collectively, the “**Project**”); and

WHEREAS, on August 18, 2022, pursuant to Resolution Number 159-2022, the City designated Conditional Redeveloper as conditional redeveloper of the Property for a period commencing upon the adoption of the resolution and ending ninety (90) days from that date or the date of the first meeting of the Governing Body following the ninetieth day of the date of adoption, whichever was later, to allow the City and Conditional Redeveloper the opportunity to pursue pre-development activities to implement the Project, including negotiation of a redevelopment agreement and other related actions (the “**Pre-Development Activities**”), and authorized the execution of a Funding Agreement to provide for the funding of an escrow account and procedures for the payment therefrom of moneys to pay the City’s costs and expenses incurred in undertaking the Pre-Development Activities, which escrow account Conditional Redeveloper has established with the City; and

WHEREAS, on February 2, 2023, the Governing Body adopted Resolution Number 35-2023, which extended the conditional designation of the Conditional Redeveloper one hundred-twenty (120) days, or the date of the next Governing Body meeting following that date; and

WHEREAS, on June 1, 2023, the Governing Body adopted Resolution Number 87-2023, which further extended the conditional designation of the Conditional Redeveloper one hundred-twenty (120) days, or the date of the next Governing Body meeting following that date; and

WHEREAS, in furtherance of the continuation of Pre-Development Activities, the Governing Body deems it necessary to continue the designation of Conditional Redeveloper as conditional redeveloper of the Property, for a period of one hundred twenty (120) days from the effective date of this resolution or the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution, whichever is later.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, that:

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

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Section 2. The Mayor is hereby authorized to execute any necessary amendment to the Funding Agreement with the Conditional Redeveloper to memorialize the terms contained herein, in a form acceptable to the City in consultation with counsel.

Section 3. The instant designation of the Conditional Redeveloper, with regard to the proposed redevelopment of the Property is effective for a period of time being the later of: i) one hundred twenty (120) days from the effective date of this resolution or ii) the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution.

Section 4. If, by the expiration of the conditional designation period, the City and the Conditional Redeveloper have not executed a mutually acceptable redevelopment agreement, the designation of K. Hovnanian Homes, LLC, or a wholly-owned subsidiary thereof, as Conditional Redeveloper of the Property shall automatically expire without any need for any further action of the Governing Body, provided, however, that the City and the Conditional Redeveloper may negotiate an extension of such designation upon terms mutually acceptable to both parties.

Section 5. The Mayor is hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with counsel.

Section 6. This Resolution shall take effect immediately.

RESOLUTION NUMBER 143-2023: A Resolution to Insert a Special Item of Revenue in the 2023 Budget for the Safe Passage Grant

RESOLUTION – 143-2023

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

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

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

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$1,050.00; Fourth of July Safe Passage Grant

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$1,050.00 which item is now available as revenue from the receipt of the Safe Passage Grant

BE IT FURTHER RESOLVED that a like sum of \$1,050.00 is hereby appropriated under the caption of:

OPERATIONS “EXCLUDED FROM CAP”

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Safe Passage Grant \$1,050.00

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

RESOLUTION NUMBER 144-2023: A Resolution to Authorize the Insertion of a Special Item of Revenue in the 2023 Budget for Click it or Ticket

RESOLUTION NO. 144-2023

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

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

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

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$975.00 – Click It or Ticket Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$975.00 which item is now available as revenue from the receipt of the Click It or Ticket Grant.

BE IT FURTHER RESOLVED that a like sum of \$975.00 is hereby appropriated under the caption of:

OPERATIONS “EXCLUDED FROM CAP”

Click It or Ticket Grant \$975.00

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

RESOLUTION NUMBER 145-2023: A Resolution to Award or Reject the Bids Received for the City Hall Renovation Project

RESOLUTION NUMBER 145-2023

A Resolution to Award the Bid for the Lambertville City Hall Roof Repair and Miscellaneous Renovations to T&A Carpentry and Home Restorations in an Amount Not to Exceed \$15,800.00

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WHEREAS, the City of Lambertville solicited for bids for the Lambertville City Hall Roof Repair and Miscellaneous Renovations and held the bid opening on Wednesday, September 20, 2023, and

WHEREAS, the bids received were as follows:

T&A Carpentry and Home Restorations in the amount of \$15,800.00

Raja Contractors in the amount of \$60,000.00

Strober-Wright Roofing, Inc. in the amount of \$32,000.00

WHEREAS, the City Attorney and City Architect has deemed the bid received from T&H Carpentry and Home Restorations is responsive and responsible, noting that a statement of current assets and liabilities and equipment owned is due; and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available in Bond Ordinance Number 18-2023.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Attorney and City Clerk are hereby authorized to execute the contract with T&A Carpentry and Home Restorations in an amount not to exceed \$15,800.00 upon the receipt of the report of current assets and liabilities and the equipment list.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and City Attorney are hereby authorized to sign the contract.

End of Consent Agenda

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.

RESOLUTION NUMBER 134-2023: A Resolution to Amend the Not to Exceed Amount in the Contract with Colgate for Recycling Services from \$25,000.00 to 70,000.00.

Mayor Nowick read the resolution into the record by title. He explained that the Recycling Numbers fluctuate based on the market. The contract rate was based on 2022 final budget numbers. After a review of 2022, we found the tonnage rate was lower and there were months with a credit rather than a charge. The tonnage rate has climbed from \$78.00 per ton in January to \$88.00 per ton in July of 2023.

RESOLUTION NUMBER 134-2023

A Resolution to Amend Resolution Number 21-2023, To Increase the Not to Exceed Amount of the Contract with Colgate Paper Stock Company for Recycling from \$25,000.00 to \$70,000.00

NOW THEREFORE BE IT RESOLVED, that Governing Body of the City of Lambertville in the County of Hunterdon, State of New Jersey, that the Mayor and City Clerk are hereby authorized and directed to amend Resolution Number 21-2023, finalize and sign an agreement for the 2023 calendar year for recycling with Colgate Paper Stock Company for the recycling program

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for a one-year term beginning January 1, 2023 and ending December 31, 2023 at an annual rate not to exceed \$70,000.00.

ADOPTED: September 21, 2023

Mayor Nowick asked for a motion to adopt Resolution Number 134-2023. 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.

RESOLUTION NUMBER 141-2023: *A Resolution to Award the Professional Services Contract to Princeton Hydro for the Stormwater Utility Feasibility Study in an Amount Not to Exceed \$63,400.00.*

Mayor Nowick read the resolution into the record by title. He informed the members of the public that the City received three proposals to serve as the professional to complete the Stormwater Feasibility Study.

RESOLUTION NUMBER 141-2023

WHEREAS, the City of Lambertville solicited for professional services for the Stormwater Utility Feasibility Study on August 24, 2023 in the Trenton Times; and

WHEREAS, the City received three proposals from the following vendors:

Raftelis, in the amount of \$79,875.00
Keller Engineers of NJ, LLC, in the amount of \$27,600.00
Princeton Hyrdo, in the amount of \$63,400.00

WHEREAS, after a review of all three proposals, the City found that the proposal received from Princeton Hydro included the following: meetings with Municipal Officials and staff on a monthly basis; identification of Stormwater Utility Requirements; performance of a Stormwater Policy Development and Legislation Review; determination and development of Stormwater Billing Units; development of a Stormwater Rate Structure and Ordinance; providing Materials to Support a City-led Stakeholder Engagement Process.

WHEREAS, the City Attorney and the Certified Municipal Finance Officer have deemed the bid is responsive, responsible, and funds are available.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Clerk, and City Attorney are hereby authorized to execute a contract with Princeton Hydro in an Amount Not to Exceed \$63,400.00, funded through a grant from the New Jersey League of Conservation Voters.

Mayor Nowick asked for a motion to adopt Resolution Number 141-2023.

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

APPROVAL OF THE BILLS LIST

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

ORDINANCES – FIRST READING

ORDINANCE NUMBER 29-2023: *An Ordinance to Amend the Lambertville City Code, 2015, Chapter 7, Section 7-4.8, to Include a Handicapped Parking Space in Front of 111 North Main Street in the City.*

Mayor Nowick read the Ordinance into the record by title. He asked for a motion to introduce on first reading Ordinance Number 29-2023.

ORDINANCE NUMBER 29-2023

Amending the Lambertville City Code, 2014, Chapter 7, Handicapped Parking, Section 7-4.8 to Include a Handicapped Parking Space in Front of 111 North Main Street.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 7, Handicapped Parking, Section 7-4.8, is amended to include the following: West side of North Main Street, in front of 111 North Main Street

INTRODUCTION AND FIRST READING: September 21, 2023

PUBLIC HEARING AND SECOND READING: October 19, 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.

ORDINANCES – SECOND READING

ORDINANCE NUMBER 27-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Section 3-16.9c1, to Permit Three Methods of Notice to Applicants.*

Mayor Nowick read the Ordinance into the record by title.

ORDINANCE NUMBER 27-2023

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An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Municipal Officers; Procedures; Departments, Boards and Commissions, Section 16, Shade Tree Commission, Article C 1

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

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

3-16. SHADE TREE COMMISSION

3-16.9 C 1. SHADE TREE ACTION REQUEST PROCEDURES

a. 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 of the Commission's determination in one of the following means: 1: electronic mail; 2: electronic notice through the City's software program; or 3: in writing through the mail.

INTRODUCTION AND FIRST READING: August 17, 2023

PUBLIC HEARING AND SECOND READING: September 21, 2023

Mayor Nowick opened the meeting for public comment. There being no public comment, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 27-2023. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 27-2023 on second reading granting final approval. Council President Stegman made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 28-2023: *An Ordinance of the City of Lambertville, Amending the Lambertville Zoning Ordinance, Article XV Stormwater Management*

NOTE: Planning Board reviewed this Ordinance and recommended adoption as submitted.

Mayor Nowick read the Ordinance into the record by title.

ORDINANCE NUMBER 28-2023

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*An Ordinance of the City of Lambertville, Amending the Lambertville Zoning Ordinance,
Article XV Stormwater Management*

§ Z-1500.1 Scope and Purpose.

- A. Policy Statement
 - 2. Add “green infrastructure” prior to “water quality, quantity, and groundwater recharge.”
- C. Applicability
 - 1.a. Change to “Non-residential major developments and redevelopment projects; and”
 - 1.b. Add “and redevelopment projects” after “residential major developments”
 - 4. The following shall be added as a new section: “Applicability of § [Z-1500](#) to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.”

§ Z-1500.3 General Standards

- A. Design and Performance Standards for Stormwater Management Measures:
 - 2. The following language shall be added to the end of this section: “Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.”

§ Z-1500.8 Solids and Floatable Materials Control Standards.

- A.1.b. The following language shall be added to the end of this section: “Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.”

§ Z-1500.9 Safety Standards for Stormwater Management Basins.

- A. The following language shall be added to the end of this section: “Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.”

§ Z-1500.10 Requirements for a Site Development Stormwater Plan.

- C.6.b. The following language shall be added after “depend on the hydrologic properties of soils”: “or require certain separation from the seasonal high water table.”

§ Z-1500.11 Maintenance and Repair.

- B.11. This shall be a new section of the Ordinance containing the following language: “Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.”

§ Z-1500.14 Severability.

This section of the Ordinance shall be replaced with the following language: “Each section, subsection, sentence, clause and phrase of this § [Z-1500](#) is declared to be an

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independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this § [Z-1500](#) to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this § [Z-1500](#).”

INTRODUCED FOR FIRST READING: August 17, 2023

PUBLIC HEARING AND SECOND READING: September 21, 2023

Mayor Nowick opened the public hearing for Ordinance Number 28-2023. There being no public comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 28-2023. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 28-2023 on second reading granting final approval. 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.

BOARD APPOINTMENTS

Mayor Nowick nominated Ed Hoag to fill an unexpired term, vacated by Matthew Larkin, on the Lambertville Free Public Library Board. Councilwoman Lambert made a motion to confirm Mayor Nowick’s nomination. Councilwoman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE

Mayor Nowick read the correspondence into the record by title.

GEA Hunterdon Area Cooperative/Community Aggregation

JCP&L: Notification of Environmental Cleanup, Lambertville Former Manufactured Gas Plant.

MAYOR’S UPDATES

Mayor Nowick gave the following update on projects:

The POST IDA COMMUNITY SESSION is scheduled for October 17, 2023 at 7:00 p.m. at the Phillip L. Pittore Justice Center. It will be an opportunity for the public to share their thoughts and personal experiences after Hurricane Ida. The session will touch upon responses to the survey generated by Dave Burd and Judy Gleason over the summer.

VILLAGE APARTMENTS UPDATE: There is nothing new. The City has met with the contract purchaser of that property. We looked at plans and ideas for the redevelopment of that site. The City asked the contract purchaser to participate in an escrow account and they declined. We are still having conversations but nothing to report at this time.

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K HOVNANIAN UPDATE: Similar, we just extended their funding agreement with the City. Those conversations continue. There was a public meeting where the concept plan was distributed in the fall.

GREEN ACRES UPDATE: There is a meeting scheduled for Monday to discuss Holcombe Park. The process is moving forward. There are a number of things Green Acres needs to do. The well on the property was just filled in - little by little things are getting done.

ANNOUNCEMENTS

Mayor Nowick read the announcement into the record.

CONVENIENCE CENTER HOURS

Saturday, October 7 and 21, 9 am to 12 noon

Wednesday, October 18, 3 – 5 pm

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for the second public participation.

Susan Turkheimer of Lambertville: Ms. Turkheimer commented that there is a vermin problem at the Village Apartments. Mayor Nowick commented that it is the responsibility of the owner. We have had to remind them to cut the grass, so we will reach out to the contract purchaser.

Jeff Tittel, of Lambertville: Mr. Tittel complimented the Public Works Department and the Police Department. He brought up that the valet parking at The Hawke has issues.

GREEN FAIR: The Deputy Clerk, Lindsay Hansche, informed the public of the Green Fair scheduled for Saturday, September 30 10 to 3 at Ely Park. It was funded by a grant from Sustainable Jersey and it is a joint effort between the Environmental Commission, Parks and Rec, and Lambertville Goes Wild.

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

ADJOURNMENT

Mayor Nowick asked for a motion to adjourn the meeting at 8:06 p.m. 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.

Respectfully submitted,

Cynthia L. Ege
CMR, RMC, City Clerk