



**CITY OF LAMBERTVILLE
VOTING SESSION
6:00 P.M. THURSDAY, OCTOBER 19, 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 meeting notice provided to the Trenton Times and the Hunterdon County Democrat, members on the listserv and department heads.

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

This meeting is being recorded and streamed live 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 October 19, 2023, Lambertville City Council Meeting to discuss Issues related to Potential Contracts and Employment, pursuant to N.J.S.A. 10:4-12(b)(7)(8).*

PLEASE NOTE: *The Governing Body will go into Closed Session at 6:00 p.m. and Reconvene In Open Session at 7:00 p.m.*

RESOLUTION

“Authorizing a Closed Session at the October 19, 2023, Lambertville City Council Meeting to Discuss Matters Related to Potential Contracts and Employment, Pursuant to N.J.S.A. 10:4-12(b)(7)(8)”

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 October 19, 2023, in person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City, to discuss matters related to potential contracts and employment, pursuant to N.J.S.A. 10:4=12(b)(7)(8).

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: October 19, 2023

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 2**

Mayor Nowick and City Council convened in closed session at 6:03 p.m. with a motion made by Council President Stegman and seconded by Councilman Lide. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 6:56 p.m. with a motion made by Councilwoman Lambert and seconded by Councilman Lide. 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 informed the members of the public that the following minutes are not ready for approval: September 21, 2023, Regularly Scheduled Session Minutes, September 21, 2023, Closed Session Minutes, and October 5, 2023, Work Session Minutes. They will be on the November 2, 2023 Work Session Agenda for approval.

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 Kominsky made the motion, Councilman Lide seconded the motion, and an affirmative voice vote was taken in favor of the motion by all members present.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Judy Gleason, of Lambertville, encouraged the public to attend the DRTJBC meeting scheduled for October 30th at 11am. She reminded everyone that on October 17th at 7pm there will be a public session for people dealing with issues related to Hurricane Ida.

Paul Stevens, of Lambertville, commented on the grants and asked if the fees we pay the professionals are charged to the grant.

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

Mayor Nowick responded to the questions from the public. In response to Mr. Stevens, Mayor Nowick noted that this particular grant is laid out differently. The grant will be credited, and it is all in-kind contributions. One of the resolutions authorizes the reappropriation of \$25,000 from current open space from the county that we will keep handy to address any contingencies. We don't expect any City funds to be expended and he said he is happy to talk more about them.

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 3**

DRIVEWAY APPLICATION

KRISTIN ADAIR MATTHEWS, 15 SWAN STREET, BLOCK 1050, LOT 1, has submitted an application to install a driveway on the South Union Street side of the property.

Mayor Nowick asked Kristin Adair Matthews to step up to the podium. He informed the members of the public that this is an application to authorize a driveway at 15 Swan Street, on the South Union Street side of the property.

The City Attorney confirmed that the public notice was properly provided to the members of the public.

Mayor Nowick confirmed that the Public Works Director and the Officer-in-Charge of the Police Department reviewed the application and have no issues.

Mayor Nowick asked the applicant to give an overview of her application. Ms. Matthews stated that she was the property owner 15 Swan Street, and the application was to take some of the South Union Street yard that abuts up to 48 South Union Street and make it into a driveway. The previous owner had a driveway in this location and there is an existing curb cut. The patio will be removed.

Mayor Nowick asked for public comments. There being no public comment, Mayor Nowick asked for a motion to close the public comments for the driveway application. Councilwoman Lambert made the motion, Councilman Lide seconded the motion, and an affirmative voice vote was taken in favor of the motion by all members present.

Mayor Nowick asked for a motion to approve the application filed by Kristin Adair Matthews for the driveway on the South Union side of 15 Swan Street. Councilman Lide made the motion to approve the driveway application as submitted. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS

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

Mayor Nowick asked for a motion to approve Resolution Numbers 148-2023 through 163-2023, and Resolution Number 165-2023 as listed on the Consent Agenda.

RESOLUTION NUMBER 148-2023: *A Resolution to Authorize Various Refunds*

RESOLUTION NUMBER 148-2023

A Resolution Authorizing Refunds

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 authorized:

Church Street Three, LLC, escrow in the amount of \$411.75

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 4**

Valerie Vieth, overpayment for street opening permit, in the amount of \$100.00

Nitasha Yajnik for a street opening permit filed in error, in the amount of \$100.00.

Tracy Wright for an overpayment of landlord registration fees in the amount of \$60.00

LMUA for Jeffrey Tittel's sewer payment in the amount of \$397.95

Barry Middleberg, reimbursement for a speaker in the amount of \$250.00

Filomena Hengst, reimbursement for a facility use deposit in the amount of \$250.00.

ADOPTED: October 19, 2023

RESOLUTION NUMBER 149-2023: A Resolution to Oppose HR 3372

RESOLUTION NUMBER 148-2023

A Resolution Opposing H.R. 3372, Which Would Establish a 10-Year Pilot Program for States to Test 91,000 Pound Trucks

WHEREAS, H.R. 3372 was introduced in the House of Representatives on May 16, 2023, and would create a program for states to "test" 91,000-pound trucks on their roads; and

WHEREAS, this increase to 91,000 pounds represents a nearly 14% increase over the current large rigs which are approximately 80,000 pounds in weight; and

WHEREAS, a 2023 joint study prepared by the National Association of Counties and Nation Associate of County Engineers found that 72,000 local bridges across the country can't safely handle 91,000-pound trucks and that it would cost \$61 billion to replace them; and

WHEREAS, according to the USDOT, even with a 6th axle distributing the load, 91,000-pound trucks would only pay for about 55% of their damage to roads and bridges; and

WHEREAS, since Congress last raised truck weights, the number of trucks registered in the U.S. and the miles they drive have increased by 91%; and

WHEREAS, Hunterdon County is home to numerous small and historic bridges that currently cannot handle existing heavy trucks that are on roadways; and

WHEREAS, existing truck traffic presents numerous challenges to Hunterdon County's 26 municipalities including its numerous small historic downtowns.

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 H.R. 3372 has potential to cause additional damage to the infrastructure, including bridges and roadways in Historic Lambertville, and because of this, the Governing Body opposes H.R. 3372.

BE IT FURTHER RESOLVED that the City Clerk will forward a copy of this resolution to U.S. Representative Thomas Kean, U.S. Senators Robert Menendez, and Cory Booker; and

BE IT FURTHER RESOLVED that the City Clerk will forward a copy of this resolution to the Clerk of the Board of County Commissioners.

ADOPTED: October 19, 2023

RESOLUTION NUMBER 150-2023: A Resolution Request the Insertion of a Special Item of Revenue in the 2023 Budget for the National Federation and Wildlife Grant in the Amount of \$322,184.00.

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 5**

RESOLUTION – 150-2023

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 \$322,184.00; National Fish & Wildlife Foundation (NFWF) Delaware River Program Grant. - Closson Site Restoration

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 \$322,184.00 which item is now available as revenue from the receipt of the National Fish & Wildlife Foundation (NFWF) Delaware River Program Grant. -Closson Site Restoration

BE IT FURTHER RESOLVED that a like sum of \$322,184.00 is hereby appropriated under the caption of:

OPERATIONS “EXCLUDED FROM CAP”

NFWF – CLOSSON SITE RESTORATION \$322,184.00

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 151-2023: *A Resolution to Reject the Bids for the City Hall Rewire Project Because the Scope of the Project Has Changed*

WHEREAS, the City of Lambertville advertised for bids on July 21, 2023, for the Assessment of the Current Wiring System and Rewiring of City Hall to Include Computers, Phones and Electric (where necessary); and

WHEREAS, the City received two bids in response to our request for proposals and they include:

Commercial Technology Contractors Inc. in the amount of \$27,853.00

New Jersey Business Systems, Inc. in the amount of \$64,800.00

WHEREAS, after reviewing the bids received, the City of Lambertville felt it was important to change the scope of the project to remove electricity from the bid specifications and to define the plans for the phone system before we rebid the 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 Assessment of the Current Wiring System and Rewire of City Hall are hereby rejected because the City has changed the scope of the project.

ADOPTED: October 19, 2023

RESOLUTION NUMBER 152-2023: *A 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) for the Drive Sober Grant in the Amount of \$420.00*

RESOLUTION – 152-2023

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 6**

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 \$420.00; Drive Sober Labor Day Crackdown 2023 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 \$420.00 which item is now available as revenue from the receipt of the Drive Sober Labor Day Crackdown 2023 Grant

BE IT FURTHER RESOLVED that a like sum of \$420.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Stay Sober Grant \$420.00

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 153-2023: *A Resolution to Authorize the Contract with Princeton Hydro for Engineering and Compliance Assistance with the NFWF Grant Compliance in an Amount Not to Exceed \$217,184.00*

WHEREAS, the Governing Body awarded a contract to Princeton Hydro through the Fair and Open Process on January 1, 2023, to serve as a Special Engineer for Stormwater Management; and

WHEREAS, the City of Lambertville is the recipient of a grant from the National Fish and Wildlife Federation in the amount of \$322,184, and

WHEREAS, the grant requires field activities, regulatory approvals which require assistance from licensed professionals.

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 a contract with Princeton Hydro in the amount of \$34,400.00, plus in-kind donations to assist with managing the grant.

BE IT FURTHER RESOLVED that this grant would increase the not-to-exceed amount of the contract with Princeton Hydro from \$68,400.00 to \$285,584.00.

20-2023 for services in the amount of \$5,000.00

141-2023 for Stormwater Utility Feasibility Study in the amount of \$63,400.00

153-2023 for NFWF Grant Compliance, Engineering, and Professional Services in the amount of \$217,184.00

BE IT FURTHER RESOLVED that Princeton Hydro will complete additional work in-kind in an amount estimated at \$34,400.00.

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 7

RESOLUTION NUMBER 154-2023: *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Memorandum of Understanding for The County of Hunterdon's Program Titled Arrive Together, A Program to Enhance and Support Response to Certain Behavioral Health Crisis Calls*

WHEREAS, Hunterdon Healthcare and various police departments in Hunterdon County have established a program to enhance and support response to certain behavioral health crisis calls titled "Arrive Together;" and

WHEREAS, the establishment of this partnership will enhance and support law enforcement with the response to certain behavioral health crisis calls; and

WHEREAS, the policy of the State is to provide for public mental health system that delivers treatment consistent with a person's clinical condition that includes screening services for crisis intervention, evaluation, and referral services, offer clinically appropriate alternatives to inpatient care, and when necessary, and to provide a means for involuntary commitment to treatment for persons with mental illness.

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 sign the Memorandum of Understanding with the various Police Departments of Hunterdon County and Hunterdon Healthcare for the Arrive Together, establishing joint participation in the Arrive Together Program to enhance and support response to certain behavioral health crisis calls.

RESOLUTION NUMBER 155-2023: *A Resolution to Approve the Stormwater Pollution Prevention Plan as Part of the Stormwater Management Plan*

WHEREAS, the City of Lambertville amended the Stormwater Management Plan, Zoning Ordinance Z-1500, added on April 17, 2006, by Ordinance Number 2006-09, amended on September 15, 2015, by Ordinance Number 23-2051, and amended on May 20, 2021, by Ordinance Number 08-2021; and

WHEREAS, as part of this Ordinance, the City is required to adopt a Stormwater Pollution Prevention Plan; and

WHEREAS, the Public Works Director, the City Engineer, City Attorney, City Clerk, and the Mayor all worked on the Stormwater Pollution Prevention Plan to include information specific to the City of Lambertville.

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 Stormwater Pollution Prevention Plan dated October 19, 2023, is hereby adopted.

RESOLUTION NUMBER 156-2023: *A Resolution in Support of Assembly Bill No. 975 and Senate Bill Number 2643 Requiring Commercial Motor Vehicles Operating Upon the Public Highways of this State, To Be Equipped with a Commercial Grade Navigation System.*

WHEREAS, Assembly Bill Number 975 and Senate Bill Number 2643 sponsored by Assembly Minority Leader John DiMao and Senator Doug Steinhardt, requires commercial motor vehicles to be equipped with certain global positioning systems that provides information about upcoming highway infrastructure with low vertical clearance and weight restrictions and dynamic route directions that account for commercial motor vehicle restrictions; and

WHEREAS, the legislation defines a commercial motor vehicle as a select group of vehicles with a gross weight rating of 26,0001 pounds or more; and

WHEREAS, commercial motor vehicles have restricted routes of travel that are not readily displayed on civilian navigation systems that are sometimes used by operators of commercial motor vehicles; and

WHEREAS, because of limited information on civilian navigation systems, commercial motor vehicle operators often unintentionally end up on restricted weight roadways or are stopped along their route by a restricted weight bridge; and

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 8**

WHEREAS, Hunterdon County has sustained damages to roadways and bridges because of overweight trucks traveling on them; and

WHEREAS, most incidents are not reported, and the taxpayers of Hunterdon County are burdened with paying the cost for the repairs; and

WHEREAS, this legislation is important to Hunterdon County, as well as the City of Lambertville, for the protection of our historic bridges and undersized roads that were not built to accommodate commercial motor vehicles, causing damage to bridges and disruption of traffic flow.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, is supportive of Assembly Bill Number 975 and Senate Bill Number 2643.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to send this resolution to Senator Shirley Turner, Assemblywoman Verlina Reynolds-Jackson, and Assemblyman Verrelli.

RESOLUTION NUMBER 157-2023: *A Resolution to Amend Resolution Number 107-2023, Authorizing the Contract with Rich Tree Services Off State Contract, To Include Tree Removal at Holcombe Park in the Amount of \$6,000.00, Increasing the Not To Exceed Amount from \$25,000.00 to \$31,000.00*

WHEREAS, the City of Lambertville authorized a contract with Rich Tree Service for the removal of trees, awarded through State Contract Pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29 in an amount not to exceed \$25,000.00; and

WHEREAS, there is a need to add the removal of dead or dying trees at Holcombe Park; and

WHEREAS, Rich Tree Service estimates the amount for the project will cost \$6,000.00.

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 increase in contract with Rich Tree Services in the amount of \$6,000.00 awarded through State Contract, is hereby authorized.

BE IT FURTHER RESOLVED that the total not to exceed amount of the contract will increase from \$25,000.00 to \$31,000.00.

ADOPTED: October 19, 2023

RESOLUTION NUMBER 158-2023: *A Resolution to Award or Reject the Bids Received for the Sidewalk Replacement Project.*

WHEREAS, the City of Lambertville solicited for bids for the Sidewalk Replacement Project in the September 28, 2023, edition of the Trenton Times; and

WHEREAS, the City received, opened, and read the results aloud on Friday, October 13, 2023; and

WHEREAS, the following bids were received:

Raja Contractors, Inc., Bellrose, New York in the amount of \$25,354.00

SD Concrete Corporation, Piscataway, NJ, in the amount of \$107,530.00

WHEREAS, the City Attorney and Engineer have reviewed the bids received and have deemed they are responsive and responsible; and

WHEREAS, the CMFO 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 bids received for the Sidewalk Replacement Project is awarded to Raja Contractors, Inc., from Bellrose, New York in an amount not to exceed \$25,354.00.

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 9

RESOLUTION NUMBER 159-2023: *A Resolution to Accept the Donation of shrubs and trees on the Jean Street entrance to the Lambertville Nature Trail from the Sourland Conservancy.*

WHEREAS, the Sourland Conservancy is donating shrubs and trees for the border of the Jean Street entrance to the Lambertville Nature Trail; and

WHEREAS, the Sourland Conservancy's mission encompasses the protection, promotion, and preservation of the Sourland Mountain region, of which Lambertville is a part; and

WHEREAS, the Sourland Conservancy has taken on the task of forest restoration with the goal of improving biodiversity, ecosystem health, and human well-being; and

WHEREAS, the Sourland Conservancy is partnering with the Lambertville Parks and Recreation Commission to plant a shrub/tree border with deer protection at the new Jean Street entrance to the Lambertville Nature trail; and to erect fencing to exclude deer in steep slope areas of the trail to promote natural regeneration of the forest understory without the need for planting.

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 City of Lambertville accepts the donation of shrubs and trees to the Lambertville Nature Trail project.

BE IT FURTHER RESOLVED that the Governing Body expresses their sincere appreciation of this donation which will help to mitigate the effects of climate change including reducing stormwater runoff, the need for mowing at the Jean Street Nature Trail entrance, and will improve habitat for birds, butterflies, bees, and other wildlife.

ADOPTED: October 19, 2023

RESOLUTION NUMBER 160-2023: *A Resolution to Amend Resolution Number 31-2023, Authorizing the Submission of an Application to the Hunterdon County Open Space Trust Fund's Municipal Grants Program, to Include \$25,000.00 Designation of Funds for the National Fish and Wildlife Service Grant.*

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 grant application filed with the County of Hunterdon for the Lambertville Nature Trail Expansion Project, be amended to include an appropriation of \$25,000.00 to the Closson Site Restoration in the Delaware River Basin project.

RESOLUTION NUMBER 161-2023: *A Resolution to Amend Resolution Number 20-2023, To Authorize the Amendment to the Contract with Michael Burns Architect to Administer Professional Services for the Public Works Project in An Amount Not to Exceed \$24,500.00 for this Contract, With A Total Not to Exceed of \$36,900.00*

WHEREAS, Michael Burns was appointed as the City Architect through the Fair and Open Process on January 1, 2023; and

WHEREAS, the Governing Body authorized a contract with Michael Burns Architect for the Bid Specifications and Contract Administration of the City Hall Project through Resolution Number 114-2023 in an amount not to exceed \$11,400.00.

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 Burns Architect to write bid specifications and for contract administration for the Public Works Project in an amount not to exceed \$24,500.00, with a total contract amount for the 2023 calendar year in the amount of \$36,900.00.

RESOLUTION NUMBER 162-2023: *A Resolution to Authorize Cost Sharing of the Application to the National Register for the Holcombe House, In an Amount Not to Exceed \$4,850.00*

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 shared cost of the Certificate of Eligibility (COE)

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 10**

application and the nomination application to the New Jersey and National Registers of Historic Places for the Richard Holcombe House, not to exceed \$4,850.00 for the Holcombe House to be listed on the National Register is hereby authorized.

RESOLUTION NUMBER 163-2023: *A Resolution to Award or Reject the Bids Received for the 2021 and 2022 Road Projects.*

WHEREAS, the City of Lambertville solicited for proposals for the 2021 and 2022 Road Projects on September 27, 2023, in the Trenton Times; and

WHEREAS, on Tuesday, October 17, 2023, the City opened and read the two bids received into the record:

Top Line Construction Corp:	Bid A: \$180,288.38	Bid B: 216,474.83
Earle Asphalt:	Bid A: 163,913.13	Bid B: 208,000.00

WHEREAS, the City Attorney and City Engineer reviewed the proposals received and have determined that they are responsive and responsible; and

WHEREAS, the Certified Municipal Finance Officer has certified that 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 Attorney and City Clerk are hereby authorized to execute a contract with Earle Asphalt for the 2021 and 2022 Road Work Project in an amount not to exceed \$163,913.13 for Bid A, and \$208,000.00 for Bid B, for a total of \$371,913.13.

RESOLUTION NUMBER 165-2023: *A Resolution to Authorize the Request for an Extension of the Grant Agreement with NJDOT for Project ID 2022-MA-00586*

RESOLUTION NUMBER 165-2023

A Resolution to Authorize Request for an Extension of the Grant Agreement with NJDOT for Project ID 2022-MA-00586

WHEREAS, the City of Lambertville is the recipient of a grant from the State of New Jersey, Department of Transportation for the LA-2022 MA Lambertville City Improvements to North Franklin Street from Route 179 to the rear entrance by Ely Memorial Park 10; and

WHEREAS, the grant was awarded for the 2022 fiscal year and the project has to be awarded by October 25, 2023; and

WHEREAS, the City of Lambertville has received bids for the project which are being awarded on October 19, 2023, authorized by Resolution Number 163-2023 to Earle Asphalt.

WHEREAS, the reason for the request for an extension is due to the improvements to the City's infrastructure from Hurricane Ida.

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 Engineer and City Clerk are hereby authorized to file for an extension request with the State of New Jersey Department of Transportation Project ID 2022-MA-00586 for the North Franklin Street Road Improvements.

ADOPTED: October 19, 2023

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

End of Consent Agenda

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 11

RESOLUTION NUMBER 164-2023: *A Resolution to Authorize the Submittal of the 2023 Best Practice Inventory with a Score of 38.5, and No Aid Withheld*

Mayor Nowick informed the members of the Governing Body that the only question that could change is regarding the bond for the Tax Collector. The State is recommending an increase, and we are waiting on final determination from PAIC.

WHEREAS, the members of the Governing Body reviewed the Best Practice Inventory, 2023 Survey at the regularly scheduled session held on Thursday, October 19, 2023.

WHEREAS, the City's score is 38.5, and State Aid will not be withheld.

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 City Clerk and the Certified Municipal Finance Officer are hereby authorized to submit the 2023 Best Practice Inventory.

ADOPTED: October 19, 2023

Mayor Nowick asked for a motion to approve the submission of the Best Practice Inventory for 2023, as soon as the question has been resolved. Council President Stegman made the motion, Councilman Lide seconded the motion, and 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 as submitted. Councilman Lide made the motion, Councilwoman Lambert seconded the motion, and an affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING

ORDINANCE NUMBER 30-2023: *An Ordinance to Repeal Ordinance Number 02-2021, An Ordinance of the City of Lambertville, County of Hunterdon, State of New Jersey Establishing Regulations for the Award of Public Contracts to Political Contributors, Pursuant to P.L. 2023, c. 30, the Elections Transparency Act, Repealing N.J.S.A. 40A:11-51.*

Mayor Nowick read the Ordinance into the record. He informed the members of the public that the State of New Jersey has updated their Pay to Play requirements and therefore, the City must repeal our ordinance.

WHEREAS, Ordinance Number 02-2021 was adopted on March 18, 2021, by the Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey; and

WHEREAS, P.L. 2023, c. 30, known as the "Elections Transparency Act" repealed N.J.S.A. 40A:11-51, the statute that originally authorized local pay-to-play restrictions.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that Ordinance Number 02-2021 is hereby repealed.

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 12

INTRODUCED FOR FIRST READING: October 19, 2023

PUBLIC HEARING AND SECOND READING: November 16, 2023

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 30-2023, with a public hearing scheduled for November 16, 2023.

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

ORDINANCE NUMBER 31-2023: *An Ordinance to Authorize an Easement with the Lambertville Municipal Utility Authority for the North Union Street Park*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance is to authorize an easement with the Lambertville Municipal Utilities Authority for an upgrade to the North Union Street Pumping Station and that will require an easement.

The Parks and Recreation Commission have reviewed the request made by the LMUA and their input has been incorporated into this resolution.

WHEREAS, the Lambertville Municipal Utilities Authority's pumping station located at North Union Street was severely damaged during Hurricane Ida in 2021; and

WHEREAS, the LMUA has requested an easement for the North Union Street Park for the duration of their project; and

WHEREAS, the Parks and Recreation Commission reviewed the request and have the following requests:

- 1: No new buried underground utilities will be installed on park property;
- 2: The Flowering Dogwood (*Cornus florida*) will be removed and replaced with Flowering Dogwood (*Cornus florida*);
- 3: The Scarlet Oak (*Quercus coccinea*) will not be removed, and the LMUA will provide protection as per the request of Parks and Recreation. The Scarlet Oak will be monitored for the first year after construction and if the health of the tree is impacted by construction for a period of one year, it will be replaced in-kind with a two-year warranty;
- 4: Any lawn that is damaged must be reseeded with a low-grow fescue-micro clover mix;
- 5: The LMUA will fund the removal of the bike station, if required.

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 easement request of the Lambertville Municipal Utilities Authority is hereby authorized.

FIRST READING AND INTRODUCTION: October 19, 2023

SECOND READING AND PUBLIC HEARING: November 16, 2023

Mayor Nowick asked for a motion to introduce Ordinance Number 31-2023 on first reading with a public hearing scheduled for November 16, 2023.

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 13**

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

ORDINANCE NUMBER 32-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, General Licensing To Include Provisions to Manage Short-Term Rentals*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this is the introduction of the Ordinance, and the public hearing is scheduled for November 16, 2023.

ORDINANCE NUMBER 32-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5-11, to Include Provisions to Manage Short-Term Rentals

CHAPTER 5-11 - SHORT-TERM RENTALS.

§ 5-11.1 - Definitions.

The following terms shall have the meanings indicated below:

"**Dangerous condition**" shall mean a condition that creates a substantial risk of injury to life and/or property.

"**Owner**" shall mean any person alone or jointly or severally with others:

- a. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;
- b. Who has equitable title and is either in actual possession or collects rents therefrom;
- c. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title.

"**Owner-occupied**" shall mean the owner of the property who resides in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot and identifies the same as his or her principal residence as that term is defined in this section. For purposes of this section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot and identify same as his or her principal residence as that term is defined in this section.

"**Principal residence**" shall mean the address:

- (1) where at least one of the property owners spends the majority of their non-working time.
- (2) which is most clearly the center of their domestic life; and

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 14**

(3) which is identified on their driver's license or State identification card as being their legal address. All the above requirements must be met in order for an address to constitute a principal residence for the purposes of this section.

"Property" shall mean a parcel of real property located within the boundaries of the City of Lambertville, Hunterdon County, New Jersey.

"Responsible party" shall mean the short-term rental property owner or a person, including but not limited to any property manager, designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

"Short-term rental" (hereinafter **"STR"**) shall mean the accessory use of a dwelling unit as defined in this section for occupancy by someone other than the unit's owner or permanent resident for a period of thirty-one (31) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this section.

"Short-term rental property" (hereinafter **"STRP"**) shall mean a residential dwelling unit as defined in this section, that is used and/or advertised for rent as a short-term rental for transient occupants as guests, as those terms are defined in this section.

"Short-term rental property agent" shall mean any New Jersey-licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the City on behalf of the owner and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

"Substantiated complaint" shall mean a civil or criminal complaint, summons, or notice of violation(s) that is supported by substantial evidence.

"Transient occupant" shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

§ 5-11.2 - Regulations pertaining to short-term rentals.

- A. It shall be unlawful for any owner of any property within the geographic bounds of the City of Lambertville, Hunterdon County, New Jersey, to rent, operate, or advertise a short-term rental in a manner that is contrary to the procedures and regulations established in this section or applicable state law.
- B. Short-term rentals shall only be permitted to be conducted in the following classifications of property in the City of Lambertville:

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 15**

- (1) Dwelling units located in a condominium association, homeowners association, or cooperative association, where the association's bylaws, master deed, or other relevant governing document permits short-term rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence; and
 - (2) Individually or collectively owner-occupied single-family residences; and
 - (3) Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied as that term is defined in this section.
- C. Short-term rentals shall not be permitted in a multiple dwelling in which rent is: set by the United State Department of Housing and Urban Development (HUD), set by a State agency, or set by an agreement between the City and the owner/developer.
- D. The following shall not be permitted to operate as short-term rentals pursuant to this section: rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- E. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant except as provided below. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this section will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.
- F. If, at the time of the adoption of this chapter, an owner is operating a property as short-term rental, it may continue to operate a non-owner-occupied property as a short-term rental, provided that the following conditions are met:
- (1) The short-term rental property is registered with the City as of the date of adoption of this ordinance, notwithstanding the owner-occupied requirements;
 - (2) A designated individual must be available to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property; and
 - (3) The non-owner-occupied property is in compliance with the remainder of this chapter.
- G. If, at the time of the adoption of this chapter, a currently operating short-term rental that is not eligible for a short-term rental permit under this chapter has an existing contract with a transient

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 16**

occupant to use the short-term rental for some period of time before January 1, 2024, the requirements of this chapter shall not apply to the pre-existing contract. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the City, provide documentation indicating that:

- (1) The short-term rental was in operation before the adoption of this chapter; and
- (2) The short-term rental contract was made before the adoption of this Chapter. If the requested documentation is not provided to the City within twenty (20) days of the request, it shall constitute a violation of this chapter.

H. If, at the time of the adoption of this chapter, a short-term rental property is being operated by a tenant, the tenant may continue to do so without a permit as prescribed by this chapter for the duration of the lease or until January 1, 2024, whichever occurs sooner. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the City, provide documentation indicating that:

- (1) the short-term rental was in operation before the adoption of this Chapter; and
- (2) that the tenant-operator's lease was not renewed after the adoption of this Chapter. If the requested documentation is not provided to the City within twenty (20) days of the request it shall constitute a violation of this Chapter.

§ 5-11.3 - Short-term rental permit; permit registration fee/application.

A. In addition to any land use requirement(s) set forth in the City of Lambertville land use regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Lambertville, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:

- (1) For existing short-term rentals, the applicant must not have had more than one documented dangerous condition, as defined in this section, within the last year; and
- (2) For existing short-term rentals, the applicant must have no violations of the City of Lambertville's Noise Ordinance, located in Chapter 4-2.1 and Chapter 4-2.2 of this Code, within the last two years. A violation of the Noise Ordinance means a documented violation by the City of Lambertville Municipal Court; and
- (3) In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit; and
- (4) The applicant must be current with all city taxes, water, and sewage charges; and
- (5) All fines or penalties issued by the Municipal Court for the City of Lambertville for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.

B. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the City. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, or internet advertisement or web-based platform, and/or in the multiple listing service (hereinafter "MLS") or any realtor's property listing shall be a violation of this chapter. No STR permit issued

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 17**

under this section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

- C. An owner of property, intended to serve as a STRP, or any agent acting on behalf of the owner, shall submit to the City a STR permit application provided by the City, along with a registration fee of two hundred fifty dollars (\$250.00). Said fee shall be non-refundable, including in the event that the application is denied.
- D. A short-term rental permit shall be renewed on or by April 1 of each year, by submitting to the City, a short-term rental permit application, and a registration fee of two hundred and fifty dollars (\$250.00). A penalty of \$50.00 shall apply to any application submitted after April 1. Applications received after June 30 will be subject to a penalty fee of \$100. Applications received after September 30 will be subject to a penalty fee of \$150.00.
- E. All short-term rentals must comply with Chapter XI, Fire Prevention and pay the necessary fees.
- F. The short-term rental permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a STRP. A new application shall also be required for any STR that had its short-term rental permit revoked or suspended.

§ 5-11.4 - Application process for short-term rental permit and inspections.

- A. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the City. The application shall be furnished on a form specified by the Clerk's Office, accompanied by the non-refundable application fee as set forth in Section 5-11.3 above. Such application shall include:
 - (1) The name, address, telephone number and email address of the owner(s) and, if applicable, designated person of record of the dwelling unit, pursuant to Subsection 5-11.2.F herein, for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone numbers for each of them;
 - (2) The address of the proposed STR;
 - (3) The owner's sworn acknowledgement that he/she is in compliance with the requirement that the STRP constitutes the owner's or, if applicable, the principal residence of the designated person pursuant to Subsection 5-11.2.F herein, as defined in this section;
 - (4) The name, address, telephone number and email address of the short-term rental property agent or designated responsible party, which shall constitute his /her seven-day a week, twenty-four-hour a day contact information;
 - (5) Copies of the most recent tax payment and sewer utility payment from the STRP that are less than thirty (30) days old; and
 - (6) The owner's sworn acknowledgement that he/she has received a copy of this chapter, has reviewed it, understands its requirements, and certifies as to the accuracy of all information provided in the permit application;
 - (7) The number and location of all off-street parking spaces available to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 18

- in the neighborhood in which the STR is located, resulting from excessive vehicles generated by the STR of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;
- (8) The owner's agreement that all renters of the STRP shall be limited to one vehicle per two occupants in the STRP;
 - (9) The owner's agreement to use his or her best efforts to assure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
 - (10) If an owner is applying for a short-term rental permit for a property that is not owner-occupied, in accordance with Subsection 5-11.2.F of this chapter, the owner must provide documentary proof that the non-owner-occupied property was in use as a short-term rental property at the time of adoption of this chapter; and
 - (11) Any other information that this chapter requires a property owner to provide to the City in connection with an application for a certificate of occupancy. The Mayor, or their designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this chapter; and
 - (12) Proof of the owner's current ownership of the short-term rental unit;
 - (13) Proof of general liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00);
 - (14) Proof that the owner has paid, or has registered to make payment, to the State of New Jersey of any transient occupancy tax for any short term rental property, which properties are subject to taxation pursuant to *N.J.S.A. 54:32B-3(d)*.
- B. Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the City's fire safety regulations and lead-based paint regulations. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected for continued compliance with the City's fire safety and lead-based paint regulations.
- C. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinances, shall be required with the initial application.
- D. The STRP owner /permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short-term basis.
- E. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one (21) during the term of the STR. No one

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 19**

under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.

§ 5-11.5 - Issuance of permit and appeal procedure.

- A. Once an application is submitted, complete with all required information and documentation and fees, the City, following any necessary investigation for compliance with this section, shall either issue the short-term rental permit or issue a written denial of the permit application, with the reasons for such denial being stated therein within thirty (30) days, provided access to the STRP is provided by the owner or owner's STR agent.
- B. If denied, the applicant shall have ten business days to appeal the denial, in writing, to the City Clerk.
- C. Within thirty (30) days thereafter, the Mayor or his/her designee shall hear and decide the appeal.

§ 5-11.6 - Short-term rental operational requirements.

- A. All STRs must comply with all applicable rules, regulations and ordinances of the City of Lambertville and all applicable rules, regulations and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.
- B. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a STRP.
- C. Transient occupants of the STRP shall comply with all ordinances of the City of Lambertville including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party, and the short-term rental agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.
- D. The owner of a STRP shall post the following information in a prominent location within the STR:
 - (1) Owner name, and if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;
 - (2) The names, email addresses, and phone numbers for the responsible party and the short-term rental agent as those terms are defined in this Chapter;
 - (3) The phone numbers for the Lambertville Police Department;
 - (4) The maximum number of designated parking spaces available for STR use onsite;
 - (5) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
 - (6) Notification that a guest, transient occupant, the short-term rental property agent, the responsible party or STRP owner may be cited or fined by the Lambertville Police Department or the City of Lambertville for violations of, and in accordance with any applicable ordinance(s) of the City of Lambertville;
 - (7) A copy of Lambertville's Community Emergency Response Team (C.E.R.T) Emergency Checklist and Plan.

CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 20

- E. If any of the information required by Subsection E above is inaccurate while displayed in the STR, it shall constitute a violation of this chapter.
- F. In the event that any complaints are received by the Lambertville Police Department, or the City of Lambertville regarding the STR and/or the transient occupants and the owner of the STRP is unreachable or unresponsive, both the responsible party and the short-term rental agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
- G. While a STRP is rented, the owner, the short-term rental agent, or the responsible party shall be available twenty-four (24) hours per day, seven days per week for the purpose of responding within two hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Lambertville Police Department, or neighbors, arising by virtue of the short-term rental of the property.
- H. If the STRP is the subject of three or more substantiated complaints, the Mayor or his/her designee shall revoke the short-term rental permit issued for the STRP, in which case, the STRP may not be the subject of a new STRP permit application for one year following the date of revocation of the permit. The Mayor or his/her designee shall retain the discretion to revoke a short-term rental permit in the event of a single substantiated complaint if, in his/her sole discretion, the interests of the City and its residents justify immediate revocation. In the event that an STRP is the subject of a civil and/or criminal complaint and/or code violation that involves a dangerous condition, as defined in this section, the Mayor or his/her designee may, at their sole discretion, suspend the STRP's short-term rental permit pending substantiation.
- I. In the event that the City receives two (2) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Mayor or his/her designee.
 - (1) When the City receives notice of a civil and/or criminal complaint and/or code violation at a STRP as outlined in Subsections 5-11.6.H and I above, the City shall issue a written notice revocation or suspension, as applicable, of the short-term rental permit with the reasons for such revocation or suspension being stated therein within thirty (30) days.
 - (2) The applicant shall have ten (10) business days to appeal the revocation or suspension, in writing, to the City Clerk.
 - (3) Within thirty (30) days thereafter, the Mayor or his/her designee shall hear and decide the appeal.
- J. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the short-term rental agent, and the responsible party to issuance of fines and/or penalties.

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 21**

§ 5-11.7 - Violations and penalties.

- A. A violation of any provision of this chapter may subject the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents to fines assessed by the Court up to two thousand dollars (\$2,000.00) per violation, but not less than one hundred and fifty dollars (\$150.00) per violation per day that the violation exists.
- B. The STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents shall have thirty (30) days to cure the violation. Within the thirty-day period, at the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents' request, they shall be afforded a hearing before a Lambertville Municipal Court Judge for an independent determination concerning the violation.
- C. Subsequent to the expiration of the thirty-day period, the fine shall be imposed if a Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

INTRODUCED FOR FIRST READING: October 19, 2023

PUBLIC HEARING AND SECOND READING: November 16, 2023

Mayor Nowick asked for a motion to introduce Ordinance Number 32-2023, with a public hearing scheduled for November 16, 2023.

Discussion ensued amongst the Council. There were questions raised about the annual fee and the staff time required to administer the licensing. Additionally questions about parking were asked and the City Attorney helped to better define “owner-occupied.”

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

ORDINANCES – SECOND 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 informed the members of the public that this Ordinance is to authorize a handicapped parking space in front of 111 North Main Street. The Police Department and Public Works both received the application with no issues reported.

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,

**CITY OF LAMBERTVILLE VOTING SESSION
6:00 P.M., THURSDAY, OCTOBER 19, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 22**

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

Mayor Nowick opened the public hearing for Ordinance Number 29-2023, and he asked for public comments. There being no public comment, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 29-2023. Council President Stegman made the motion, Councilman Lide seconded the motion, and 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 29-2023. Council President Stegman made the motion, Councilwoman Lambert seconded the motion, and an affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE

Mayor Nowick read the following correspondence into the record:

NJDOT Notice of Fiscal Year 2024 Local Freight Impact Fund Applications for projects with 10% large truck volume within the project limits (Traffic Study Required).

ANNOUNCEMENTS

Mayor Nowick read the following announcements into the record:

COUNTY OF HUNTERDON, Veteran's Headstone Cleaning, St. John's Cemetery, 10-21-2023 from 8 am to 11 am.

DRJTBC will hold a public session on October 30, 2023, at 11 am and the public is encouraged to attend.

HALLOWEEN PARADE is scheduled for Sunday, October 29, 2023, at 3:00 p.m.

CITY HALL CLOSING EARLY on October 31, 2023 for Trick or Treat

BUDGET HEARINGS: Thursday, November 9, 2023

CONVENIENCE CENTER HOURS

Saturday, November 4 and 18, 9 am to 12 noon

Wednesday, November 15, 3 – 5 pm

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting up for the final public participation session and he asked if there were any public comments.

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Holly Havens, of Lambertville, asked about the short-term rental ordinance and whether hotels would be considered short-term rentals if they are listing their rooms on STR sites. She cautioned the City about overcharging STR owners.

Paul Stevens, of Lambertville, asked about the grandfathering clause in the Ordinance. He encouraged Council to clearly define the guidelines that need to be met in order to be grandfathered.

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

Mayor Nowick responded to the questions and said that hotels like The Hawke and Lambertville House are excluded. The maximum length for short-term rental is 31 days. We aren't losing revenue, everyone has to be registered with the state and the tax comes back to the city monthly. That is a component of the registration process. They will all be required to pay the short-term rental fees.

He further explained that the cut-off date for grandfathering is the adoption date of the Ordinance. If you are not registered, you are not in compliance. There may be legal challenges but we will work with the City attorney to address any issues

ADJOURNMENT

Mayor Nowick asked for a motion to adjourn at 8:18 p.m. Council President Stegman made the motion, Councilman Lide seconded the motion, and 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