

CITY OF LAMBERTVILLE WORK SESSION 7:00 P.M. THURSDAY, DECEMBER 7, 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 7:00 p.m. and he asked the City Clerk to read the Statement of Compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act with the annual notice provided to the Trenton Times and the Hunterdon County Democrat. The meeting notice was provided to the members on the listsery, department heads and the City Engineer pursuant to N.J.S.A. 10:4-7.

The meeting agenda provides for action items known 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

The City Clerk called the rolls as follows:

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

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

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

PROCLAMATIONS

Mayor Nowick informed the members of the public that the City would like to honor the South Hunterdon High School Soccer and Football teams for their outstanding 2023 records.

Mayor Nowick asked the football team to join him at the dais. Councilwoman Lambert and Council President Stegman took turns reading the proclamation for the football team into the record.

SHRSD FOOTBALL TEAM:

WHEREAS, the South Hunterdon Football Team ended the 2023 season with a 9-2 record, and

WHEREAS, under the leadership of Toby Jefferis, the football team ditched their wing-T system and implemented a new pass option system (RPO), which led them to a 2023 winning season; and

WHEREAS, with Anthony Venettone's 1,010 rushing yards, and 1,028 passes, the Varsity Football Team won its first playoff game since 2014, they also won their division, the Big Central Freedom Silver, with a perfect 4-0 record; and

WHEREAS, the following students represented the Varsity Football Roster: Anthony Venettone, Ryan Rampel, Quinn Field, Stephen McCloughan, Gael Cruz-Ortiz, Aaron Zalescik, Garrett Swayhoover, Ty Dunn, Edward Cooper, Thomas Breuer, Randy Hoagland, Ryder Manfready, Charles Nemeth, Dayle Ratkowski, Tucker Hicks, Dayton Ratkowski, Nathan Lawton, McCade Cummings, Parker Rampel, and Noah Cormier.

WHEREAS, the following team members were recognized for their achievement by the <u>Big Central</u> Conference Freedom Silver Division:

1st Team: Anthony Venettone, Garrett Swayhoover, Aaron Zalescik, Ryan Rampel, Edward Cooper, Ryder Manfready, Ty Dunn, Thomas Breuer

2nd Team: Dayton Ratkowski, Quinn Field, Gael Cruz-Ortiz

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 South Hunterdon Regional Varsity Football Team is hereby congratulated on the 2023 winning season.

BE IT FURTHER RESOLVED that Saturday, December 9, 2023, is hereby proclaimed South Hunterdon Regional High School Sports Day in the City of Lambertville.

ADOPTED: December 7, 2023

Mayor Nowick asked for a motion to adopt the proclamation honoring the football team. 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.

SHRSD SOCCER TEAM

Mayor Nowick asked the members of the soccer team to join him at the dais. Councilwoman Kominsky and Councilman Lide took turns reading the proclamation into the record.

WHEREAS, the South Hunterdon Boys Soccer Team under a united front, ended the 2023 season with a 15-5-1 record; and

WHEREAS, the Boys Soccer Team won the Skyland Mountain Conferences and the Hunterdon/Warren/Sussex Tournament, and won two sectional games, advancing to the Group 1 semifinals for the first time since 2019; and

WHEREAS, the following team members represented the Varsity Soccer Team for South Hunterdon: Patrick Coffey, Kyle Ingersoll, Alex Romano, Manny Arias, Kevin Lucas-Tellez, Luis Sanchez, Luis Martinez, Aaron Parisi, Randy Stover, Eddy Lavarreda, Connor Keyes, Ollie Horan, Anthony Torres, Danny Gayton-Silva, Dillon Gallagher, Elio Ambrosino, Noah Legg, Tyler Silverman, Landon Katz, Joe Cappobianco, and Valor Bott

WHEREAS, the following members were recognized for their achievement by the Skyland Conference All-Conference Team:

1st Team: Patrick Coffey, Kyle Ingersoll, Connor Keyes, Aaron Parisi, Alex Romano

2nd Team: Manny Arias, Ollie Horan, Kevin Lucas

Honorable Mention: Dillon Gallagher

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 South Hunterdon Regional Boys Soccer Team is hereby congratulated for the 2023 season.

BE IT FURTHER RESOLVED that Saturday, December 9, 2023, is hereby proclaimed South Hunterdon Regional High School Sports Day in the City of Lambertville.

ADOPTED: December 7, 2023

Mayor Nowick asked for a motion to adopt the proclamation honoring the soccer team. Council President Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

John Barbi asked about the grant money offered after IDA to cover different projects, and why the City had not pursued these grants more vigorously.

Jeff Tittel noted that no town in New Jersey has gone forward with a Stormwater Utility and suggested it should be done by watershed or by region, not by individual town. He suggested that the City first identify projects and then seek funding opportunities.

Zoom attendance =1.

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

Mayor Nowick commented that in the last couple of years we have worked for and received many grants. The City received grants from the USDA, FEMA, DCA, Congressional Appropriation, NFWF and others. Grants are complex to write. We will be looking at the BRIC grant. The City was not eligible for the Resilience grant. Some of these opportunities are fantastic if you are a large community and have shovel ready projects. We only have a few projects ready to go for funding. We have done a lot, but there's only so much we can do. It is true there are a lot of grants out there, but we cannot always go for the big grants with the resources we have.

Councilwoman Kominsky volunteered to assist with grant writing.

RESOLUTIONS

DEDICATION BY RIDER.

Mayor Nowick informed the members of the Governing Body that the dedication by riders were returned to the City by the State of NJ, DCA, because of incorrect references to the Administrative code and Statute. Mayor Nowick asked for a motion to adopt Resolution Numbers 179-2023 and 180-2023.

ACCUMULATED ABSENCES

RESOLUTION NUMBER 179-2023
A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ACCUMULATED ABSENCES REQUIRED BY N.J.A.C. 5:30-15

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

WHEREAS, **N.J.A.C. 5:30-15** provides for receipt of insert source of funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

- 1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absences, **N.J.A.C. 5:30-15**.
- 2. The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

EMERGENCY FUND

RESOLUTION NUMBER 180-2023 A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR EMERGENCY PURPOSES AS REQUIRED BY N.J.S.A. 40A-5-29

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

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the collection of donations for emergency purposes are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

- 1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations For Emergency Purposes, N.J.S.A. 40A 5-29.
- 2. The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Councilwoman Kominsky 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.

RESOLUTION NUMBER 181-2023: A Resolution to Authorize the Grant Application to the New Jersey Department of Community Affairs for the Public Works Project in an Amount of \$500,000.00

Mayor Nowick informed the members of the public that this resolution is to authorize the grant for the Public Works upgrades. Mayor Nowick asked for a motion to approve Resolution Number 181-2023.

RESOLUTION NUMBER 181-2023

A Resolution to Authorize the grant application to the New Jersey Department of Community Affairs for the Public Works Project in an Amount of \$500,000.00.

Whereas, THE Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$500,000.00 to carry out a project to upgrade the Public Works Department for OSHA compliance, to address storage issues in line with the Department of Environmental Protection requirements.

Be it therefore RESOLVED, that the City of Lambertville does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Lambertville and the New Jersey Department of Community Affairs.

Be it further RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

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.

RESOLUTION NUMBER 182-2023: A Resolution to Authorize the Memorandum of Understanding with New Brunswick for the Use of a 32 Yard Garbage Truck With an Hourly Rate of \$14.60 Plus Mileage, a Not to Exceed Amount of \$2,500.00

Mayor Nowick informed the members of the public that one of the City's garbage trucks broke down and the part will take a couple of weeks to receive. We borrowed a truck from New Brunswick, and this is to authorize the Memorandum of Understanding.

Shout out to Michael Drulis, the City's Budget Consultant for his assistance in helping us resolve our garbage issue.

RESOLUTION NUMBER 182-2023:

A Resolution to Authorize the Memorandum of Understanding with New Brunswick for the Use of a 32 Yard Garbage Truck With an Hourly Rate of \$14.60 Plus Mileage, a Not to Exceed Amount of \$2,500.00

WHEREAS, the City of Lambertville's garbage truck needs a big repair that will take up to two weeks to complete, and

WHEREAS, the City of New Brunswick is willing to lend their 32 Yard Garbage Truck to the City at an hourly rate of \$14.60 per hour, plus \$.36 per mile.

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 Mayor Nowick and the City Clerk are hereby authorized to execute the Memorandum of Understanding with the City of New Brunswick for the use of a 32 Yard Garbage Truck with a not to exceed amount of \$2,500.00.

Mayor Nowick asked for a motion to adopt Resolution Number 182-2023. Councilwoman Kominsky 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.

RESOLUTION NUMBER 183-2023: A Resolution to Authorize Kovi Towing to Sell the 2008 Nissan Altima Pursuant to N.J.S.A. 39:10A-1(b)

Mayor Nowick informed the members of the public that Kovi Towing confiscated a vehicle that was not claimed by the owner. They made several attempts to reach the owner without success. This permits them to take ownership of the vehicle and sell it to compensate them for storage fees.

RESOLUTION NUMBER 183-2023

A Resolution to Authorize Kovi Towing to Sell the 2008 Nissan Altima Pursuant to N.J.S.A. 39:10A-1(b) WHEREAS, the City of Lambertville received a junk title on February 27, 2023, for a tow ticket from Kovi Towing for a 2008 Nissan Altima, which vehicle had been impounded; and

WHEREAS, pursuant to N.J.S.A. 39:10A-1(b), "when such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under (N.J.S.A. 39:10A-3), shall have remained unclaimed by the owner or other person having legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or Motor Vehicle Commission, the same may be sold at auction in a public place," and

WHEREAS, the vehicle is in the possession of Kovi Towing for more than 15 days, and Kovi Towing has taken all action required by statute to obtain a junk title; and

WHEREAS, storage fees are due to Kovi Towing.

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 Kovi Towing is hereby authorized to auction the vehicle described as 2008 Nissan Altima, Vehicle Identification Number ending in 0013, and to retain any proceeds necessary to cover storage fees.

BE IT FURTHER RESOLVED that Kovi Towing will provide the City of Lambertville with a close-out report that details how the vehicle was disposed, the proceeds from the sale, and the total storage fees.

Adopted: December 7, 2023

Mayor Nowick asked for a motion to adopt Resolution Number 183-2023. Councilwoman Kominsky 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.

ANNOUNCEMENTS

Mayor Nowick informed the public that the Convenience Center Hours and the 2024 Reorganization Meetings are listed in the announcement section of the meeting agenda.

CONVENIENCE CENTER HOURS

Saturday, December 2, 2023, from 9 am to 12 noon.

Saturday, December 16, 2023, from 9 am to 12 noon.

Wednesday, December 20, 2023, from 3 to 5 pm.

SCHEDULE OF 2024 REORGANIZATION MEETINGS

CITY COUNCIL, Monday, January 1, 2024, at 11:00 a.m.

PLANNING BOARD, Wednesday, January 3, 2024, at 7:00 p.m.

HUMAN RIGHTS COUNCIL, Monday, January 8, 2024, at 7:00 p.m.

LIBRARY BOARD, Tuesday, January 9th, 2024, at 7:00 p.m. at the Lambertville Free Public Library at 6 Lilly Street

HISTORIC PRESERVATION COMMISSION, Tuesday, January 9, 2024, at 7:30 p.m.

PARKS & RECREATION COMMISSION, Wednesday, January 10, 2024, at 7:00 p.m.

SHADE TREE COMMISSION, Monday, January 22, 2024, at 7:30 p.m.

ZONING BOARD OF ADJUSTMENT, Thursday, January 25, 2024, at 7:30 p.m.

BROADBAND, CABLE AND TELEPHONE SERVICES ADVISORY COMMITTEE, Monday, January 29, 2024, at 7:00 p.m.

ENVIRONMENTAL COMMISSION, Wednesday, January 31, 2024, at 7:00 p.m.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY, Tuesday, February 6, 2024, 6 p.m. at the LMUA located on Station Court in the City

OFFICE OF EMERGENCY MANAGEMENT, Thursday, February 8, 2024, at 2:30 p.m.

All meetings at held at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City unless otherwise noted.

CITY HOLIDAY SCHEDULE: All City Offices will be closed for Christmas on Monday, December 25, 2023 and for New Years' Day on Monday, January 1, 2024.

DISCUSSION

Mayor Nowick led the discussion on the following topics:

MUNICIPAL ASSISTANCE PROGRAM: Kleinfelder will provide contact info and move forward with the process.

VALET PARKING DISCUSSION: Mayor Nowick noted that he had hoped to move forward with Valet Parking this evening, but the City is waiting for Certificate of Good Standing with the State of New Jersey for the valet vendor.

NORTH UNION STREET PARKING LOT CHANGES: After a review, the City decided that the sign will be updated to allow for public parking starting at 3 pm. By changing it to an earlier time, the public will be able to use the spaces as teachers leave for the day.

S&P RATINGS CALL: The City had a phone check-in with Standard and Poor, a rating company. The City's presentation has been posted to the City's website and contains good information about City finances.

STORMWATER UTILITY: As most people know, we have started a stormwater utility feasibility study funded through a grant from the New Jersey League of Conservation Voters. The City is working with Princeton Hydro, WSP, and employees. A preliminary timeline has been laid out. The City Clerk, Public Works Director, and Executive Director for the Lambertville Municipal Utilities Authority all participated in the kick-off meeting. We are still in the data collecting phase. We will also add the most salient documents on the website for the public soon.

Timeline: We are working towards a June timeline, where the Governing Body will consider an ordinance to allow for a referendum on the November ballot. The referendum will need to be

introduced in June and adopted in July in order to appear on the ballot in November. The referendum seeks to ask the public if they support a stormwater utility in the City. If the referendum passes, then the Governing Body would establish a Stormwater Utility.

The City will conduct the first community stakeholder meeting in January, with about twenty people from different places (nonprofits, churches, residents, etc) to get a good cross section of the community, sharing ideas and concerns. There will also be meetings with Princeton Hydro, WSP and the Governing Body.

Next steps: Princeton Hydro will conduct a land cover analysis, a funding analysis, and a needs analysis, as well as review the City's compliance with MS4 Tier A permit, and provide advice on stormwater policy and the equity of cost. They will also provide a user rate option, and an impacts report. It's a long process and will take a lot of time to gather data. There are important questions we must ask in terms of viability.

Councilwoman Kominsky expressed concerns about creating a Stormwater Utility. She suggested that the City needs to tackle infrastructure and engineering projects one at a time in our regular budget, instead of collecting money without a clear vision of how it will be spent.

Mayor Nowick commented that the approach is to look at the project holistically and he hopes everyone will keep an open mind. As we begin to gather data, we will find problems we don't even know about, and engineering costs money up front.

Councilman Lide commented that he is going into it open minded. He shared Councilwoman Kominsky's concerns. If the referendum is to be successful, we must give residents an expectation of what the Utility would cost. If people think they cannot afford it, they may not support it.

Councilwoman Lambert commented that the feasibility study is not covering the topics she expected. She noted that if this does not move forward, just because we do not have a Stormwater Utility does not mean we will not do Stormwater Management.

Councilman Lide commented that there are benefits in bonding that would allow us to pass the cost along over time. There are also benefits to creating a Stormwater Utility. He asked about how the Utility would be staffed and managed.

Mayor Nowick asked everyone to keep an open mind. There is a lot of data coming in and it is an opportunity worth exploring. If it does not work out, we do what we have been doing and hope it is enough. We can keep applying for grant money, but the process is slow and inefficient. We have the federal appropriation, and it has taken forever to get with USDA. A Utility may not be better, but it would at least be one concentrated entity managing one thing and one special need. There are efficiencies in a dedicated Stormwater Utility.

Council President Stegman said he is more comfortable with identifying a project and then bonding to do it. His concern about the feasibility study is that we will not have enough information to put a price tag on it for residents and he worries about the impact on the taxpayers. We do need to start someplace, but I do not know if a stormwater utility is the place to start. What is the first step, where are things falling apart, then how do we finance it? If the Stormwater Utility is a potential way to finance a project at least we can get through the study and learn how the Utility is supposed to work.

Mayor Nowick commented that at a minimum we will have a lot of information at the end of the study.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for the last public participation session of the evening, and he asked for public comment.

Paul Stevens commented on the valet parking. He asked about what happens if the valet fills all of the spots they have leased? He also suggested that with the bridge closure, now may not be a good time to launch this trial. He noted that there is a lot of research to be done regarding the Stormwater Utility. It may not address the types of flooding problems we have here.

Dave Burd: Mr. Burd asked if public works is working with the LMUA, doing inspections, necessary cleanings and semiannual reporting that keeps the system operational? He noted that we have to wait to see what the study says, if projects are suggested, and it would cost residents.

Jeff Tittel commented that the City should consider changing how we do our garbage to free up DPW folks to do the maintenance. New projects get done or repairs are made and no one maintains it. There are 2,800 Stormwater Utilities in the United States, and most of them are in major cities or regional because the cost is huge.

Mayor Nowick asked for a motion to close the public participation session. Councilwoman Kominsky 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.

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

RESOLUTION

"Authorizing a Closed Session at the December 7, 2023, Lambertville City Council Meeting to Discuss Issues related to Pending Litigation and 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)(7).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on December 7, 2023, in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City, to discuss the following matters: *Issues related to Possible Litigation and Contracts Pursuant to N.J.S.A.* 10:4-12(b)(7).

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

ADOPTED: December 7, 2023

Mayor Nowick and City Council convened in closed session at 8:07 p.m. with a motion made by Councilman Lide and seconded by Council President Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 9:46 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.

ADJOURNMENT

Mayor Nowick asked for a motion to adjourn the meeting at 9:47 p.m. 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.

Respectfully submitted,

Cynthia L. Ege, CMR, RMC, City Clerk