



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

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 6:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: *This meeting is being held in compliance with the Open Public Meetings Act with notice provided to the Trenton Times, the Hunterdon County Democrat, members on the listserv, department heads and the City Engineer. The meeting agenda offers planned action items at the time of publication and is subject to change. This meeting is being streamed live and recorded using the Zoom Meeting Platform.*

ROLL CALL

The City Clerk called the roll as follows:

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

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

CLOSED SESSION: *Closed Session of the Governing Body of the December 21, 2023, Lambertville City Council Meeting to discuss Issues related to Potential Contracts, pursuant to N.J.S.A. 10:4-12(b)(7).*

PLEASE NOTE: *the Governing Body will go into Closed Session at 6:00 p.m. to discuss attorney/client matters related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7) and Reconvene In Open Session at 7:00 p.m.*

RESOLUTION

“Authorizing a Closed Session at the December 21, 2023, Lambertville City Council Meeting to Discuss Matters Related to Potential Contracts, Pursuant to N.J.S.A. 10:4-12(b)(7)”

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

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

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

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

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Mayor Nowick and City Council convened in closed session at 6:01 p.m. with a motion made by Councilwoman Kominsky and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 6:59 p.m. with a motion made by Councilman Lide and seconded by Councilwoman Kominsky. 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 in honor of those who are public servants, council members, volunteers, those who made living here a better place.

APPROVAL OF MINUTES

Mayor Nowick asked for a motion to approve the following sets of minutes: November 16, 2023, Regularly Scheduled Session Minutes, November 16, 2023, Closed Session Minutes, December 7, 2023, Work Session Minutes, December 7, 2023, Closed Session Minutes Part A.

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.

Mayor Nowick asked for a motion to approve the December 7, 2023, Closed Session Minutes Part B. 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 and eligible (Council President Stegman recused himself.) MOTION CARRIED.

ADMINISTRATIVE REPORTS

Mayor Nowick asked for a motion to approve the following Administrative Reports: Clerk's Report, Construction Office (Lambertville and Frenchtown), Court Report, Fire Official, Police Department, Public Works Department, and Tax Collector. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for public participation.

Four people were present on Zoom.

Paul Stevens asked about the Ordinance to fund the Closson property with a balance of \$97,000. He questioned why the City is not spending it? We still do not have a plan for the Closson property.

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Judy Gleason asked about the extension of the lease for Fisherman's Mark. She commented that the Ordinance needs to have more detail.

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

Mayor Nowick replied to Mr. Stevens, and he said that he would obtain additional information regarding the Closson property ordinance and share it with him.

The City Attorney responded to Ms. Gleason, and he informed her that the information she was looking for is in the original ordinance and in the lease agreement.

RESOLUTIONS

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

Mayor Nowick asked for a motion to approve the resolutions listed on the consent agenda, numbers 184-2023 through 188-2023.

RESOLUTION NUMBER 184-2023: A Resolution Authorizing the Refunds

WHEREAS, the following people are due a refund for a facility deposit and bulk garbage permit:

Yasmeen Fahmy, facility use deposit refund, \$250.00.

Laura Lavery, bulk garbage refund, \$25.00

NOW THEREFORE BE IT RESOLVED by the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, the refunds for the month of December as presented are approved.

ADOPTED: DECEMBER 21, 2023

RESOLUTION NUMBER 185-2023: A Resolution to Cancel Appropriation Balances for Completed Projects

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or no longer needed; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be returned to each respective Capital improvement fund, Reserve, Open Space Trust (where applicable), or credited to Capital Fund Balance, and unused debt authorizations may be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Mayor and Council of the City of Lambertville that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

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<u>Ord. #</u>	<u>Project Description</u>	<u>Funded</u>	<u>Unfunded</u>
2001-26	Housing Rehabilitation – DCA Grant	\$ 6,695.00	
2017-08	Improvements of Bicycle Transportation	\$ 4,562.27	\$ 134,482.00
2017-20	Improvements to City Roads – Clinton Street	\$ 33,537.56	\$ 77,089.00
2018-08	Improvements to City Roads – George & Coryell	\$ 6,411.00	\$ 72,339.39
2020-03	Redevelopment Planning and Design		\$ 8,090.57
2020-11	Various Capital Improvements		\$ 15,146.83
2020-17	Purchase of Closson Property		\$ 94,984.14
2021-05	Improvements to City Roads – Grant Ave & Allen St.		\$ 31,664.02
2021-31	Hurricane IDA Improvements		\$ 1,436.39
2022-06	Watershed Protection Improvements	\$ 109,304.24	
	Total To Be Cancelled	\$ 160,510.07	\$ 435,232.34

ADOPTED: December 21, 2023

RESOLUTION NUMBER 186-2023: Resolution Cancellation of Outstanding Checks

WHEREAS, there exists outstanding checks which have been outstanding for over one year; and

NOW THEREFORE, BE IT RESOLVED that the following checks be cancelled and the expenditure be deposited into the proper fund:

<u>Fund</u>	<u>Payee</u>	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
Payroll	Manuel Diodonet	1/18/2019	3142	\$ 289.51
	Wm J Schultz	7/19/2019	3209	\$ 30.32
	TOTAL			\$ 319.83
Current	NJ Dept of Labor & Workforce	8/16/2016	7538	\$ 150.00
	Lambertville Free Public Library	6/20/2017	8363	\$ 2.00
	Stellitano Heating & Cooling	8/21/2018	9613	\$ 42.72
	Verizon c/o Duff & Phelps	6/25/2020	11566	\$ 11,180.83
	Flanagan Productions, LLC	8/20/2020	11679	\$ 630.25
	Alicia Higgins	9/23/2021	101219	\$ 15.00
	Kaitlyn Pellican	9/23/2021	101249	\$ 90.00

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Copier Logistics Specialists	10/21/2021	101281	\$	195.00
Hunterdon Cty Assessors Assoc	11/18/2021	101387	\$	150.00
TOTAL				\$ 12,455.80

RESOLUTION NUMBER 187-2023: *A Resolution to Authorize the Mayor, City Attorney, and City Clerk to Execute the Contract with Robert Brown to Serve as the Officer-in-Charge of the Police Department for Two-Years, Expiring December 31, 2025*

WHEREAS, Robert Brown’s contract is due to expire December 31, 2023; and

WHEREAS, the proposed contract contains but is not limited to the following provisions:
Continuation of current benefits, Base salary beginning 01-01-2024: \$140,815.74; Base salary beginning 01-01-2025: \$146,815.74, and Longevity will be at 5% of the base salary.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, that the contract with Robert Brown to serve as the Officer in Charge of the Police Department is hereby approved.

ADOPTED: DECEMBER 21, 2023

RESOLUTION NUMBER 188-2023: *A Resolution to Authorize the Budget Transfers*

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated.

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

ACCOUNT NO.	ACCOUNT TITLE	FROM	TO
3-01-20-110-100	Mayor & Council SW		\$1.00
3-01-20-130-100	Finance SW	\$1.00	
3-01-20-145-200	Tax Collector OE	\$5,000.00	
3-01-21-180-200	Planning OE	\$300.00	
3-01-21-185-200	Zoning OE	\$100.00	
3-01-22-195-200	Construction OE	\$1,000.00	
3-01-22-195-301	UCC Frenchtown		\$2,000.00
3-01-26-305-200	Solid Waste OE		\$13,000.00
3-01-27-340-200	Dog Regulation OE	\$1,000.00	
3-01-30-415-100	Accumulated Absences	\$5,600.00	
3-01-43-490-100	Court S&W	\$2,000.00	
	Total	\$15,001.00	\$15,001.00

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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.

End of Consent Agenda

RESOLUTION NUMBER 178-2023: *A Resolution to Authorize the Three-Month Trial Period for Valet Parking on North Union Street, East of Church Street.*

Mayor Nowick read the resolution into the record by title. He noted that Council President Stegman and Councilwoman Lambert are working on an ordinance which will be introduced in 2024 to regulate Valet Parking throughout the City.

This ordinance authorizes a trial run that will begin the last weekend of December 2023 and end the last week in March 2024.

RESOLUTION NUMBER 178-2023

A Resolution to Authorize the Three-Month Trial Period for Valet Parking on North Union Street, East of Church Street

WHEREAS, the Governing Body of the City of Lambertville adopted Resolution Number 201-2022 on November 17, 2022, authorizing the three-month trial period for Valet Parking on North Union Street, which was never enacted, and

WHEREAS, the owners of Under the Moon, LLC would like to manage and offer to the public a Valet Service using two metered spaces on the east side of the street, directly in front of Under the Moon; and

WHEREAS, the valet would be managed by Open Door Valet or a vender who is selected by owners of Under the Moon, LLC; and

WHEREAS, the hours of operation are as follows:

- Friday Night beginning at 5:00 p.m. – 10:00 p.m.
- Saturday beginning at 11:00 a.m. to 10:00 p.m.
- Sunday 1:00 p.m. through 6:00 p.m.

WHEREAS, the lease for the storage of cars is with Houston-MDL LLC & SLRI Holdings LLC; and

WHEREAS, the trial period will begin on December 29, 2023, and end March 29, 2024; and

WHEREAS, Under the Moon, LLC or the Valet Service will record statistics and will submit them to the City monthly for future consideration of the program; and

WHEREAS, after the end of the trial period, the governing body will consider the pros and cons of offering the services and may adopt an ordinance permitting the continuation of valet services at this location; and

WHEREAS, the owners of Under the Moon, LLC are managing this program, however the services will be available to the public; and

WHEREAS, Under the Moon will pay the City \$1.50 per hour, per meter:

- Friday night, 5:00 – 10:00 p.m. = \$7.50 per meter
- Saturdays: 11:00 a.m. – 10:00 pm. = \$16.50 per meter
- Sunday, 1:00 – 6:00 p.m. - \$7.50 per meter

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WHEREAS, if at any time, either party decides that the valet services are not in the best interest of the city or the owners of Under the Moon, LLC, either party will end the service with a 10-day notice.

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 request for valet services in front of Under the Moon, LLC is hereby authorized subject to the following conditions:

1. The program will start December 29, 2023, and end March 29, 2024.
2. Under the Moon, LLC will manage the program and will maintain records for submittal to the city monthly.
3. Hours of Operation are restricted to the following days and times with a maximum of three metered parking spaces:
 - o Friday Night beginning at 5:00 p.m. – 10:00 p.m.
 - o Saturday beginning at 11:00 a.m. to 10:00 p.m.
 - o Sunday 1:00 p.m. through 6:00 p.m.
4. Under the Moon, LLC agrees to pre-pay for the use of the parking spaces with \$252.00 due per month, for two meters, based on 4 weekends per month, due the first of each month.
5. Valet's may be required to take a pre-approved route for traveling to and from Lambertville Station.
6. There will be no parking in the emergency access agreement that runs on the eastern side of the parking lot.
7. Valet company will provide a State of New Jersey Business Registration, a Certificate of Good Standing with the State of New Jersey, or register as a foreign company, and provide the City with their Certificate of Insurance with the limits that include liability insurance and workers compensation.

BE IT FURTHER RESOLVED that the Mayor, City Attorney, and City Clerk are hereby authorized to sign the Memorandum of Understanding with the owners of Under the Moon, LLC.

ADOPTED: December 21, 2023

Mayor Nowick asked for comments from the Governing Body.

Mayor Nowick asked for a motion to adopt Resolution Number 178-2023. 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.

APPROVAL OF THE BILLS LIST

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

ORDINANCES – FIRST READING - None

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ORDINANCES – SECOND READING

ORDINANCE NUMBER 33-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, To Remove the Loading Zone on Clinton, and Delevan Street.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance is to remove the loading zone on Clinton Street north of Delevan Street and the space will then be available for public parking.

ORDINANCE NUMBER 33-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, Section 7-8, Loading Zones

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 Chapter 7, Traffic is hereby amended as follows:

Section 7-8, Loading Zones: to exclude the loading zone on Clinton Street, on the east side, from the intersection of Delevan Street running 76 feet southerly.

INTRODUCTION AND FIRST READING: November 16, 2023

PUBLIC HEARING AND SECOND READING: December 21, 2023

Mayor Nowick opened the public hearing on Ordinance Number 33-2024, and he asked for public comment. There being no public comment, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 33-2024. 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.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval of Ordinance Number 33-2024. Councilwoman Kominsky made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 34-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Landlord Registration*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that the proposed changes were highlighted in yellow.

ORDINANCE NUMBER 34-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Landlord Registration

§ 10-7 RENTAL OF HOUSING UNITS.

§ 10-7.1 Definitions.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

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§ 10-7.2 Annual Landlord Registration Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

Within 90 days of the effective date of this section, adopted October 18, 2010, every landlord in the City of Lambertville shall make application for, and file with the office of the Municipal Clerk an annual landlord registration in accordance with Chapter 11 of the City Code, for every building containing one or more dwelling units **occupied by one or more tenants**. Thereafter the annual landlord registration in accordance with Chapter 11 of the City Code, shall be renewed annually each March 1. All annual landlord registration, in accordance with Chapter 11 of the City Code, received after April 1 of each year shall be considered late and are subject to applicable late fees.

§ 10-7.3 Application for Annual Landlord Registration; Affidavit of No Change.

[Ord. No. 2010-23; Ord. No. 04-2014; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

4. For each dwelling unit in the building:
 - (a) Identify the unit number or other identifying information.
 - (b) Set forth the gross floor area in square feet of each room occupied for sleeping purposes.
 - (c) Set forth the total gross floor area in square feet of habitable rooms.
 - (d) **Maximum** (*old version said "Total"*) number of tenants permitted in the dwelling unit.
 - (f) The date tenancy commenced or will commence.
11. **In the event of a change in tenants, a new SDCMFX inspection must be completed.** *Old read as follows: In the event of a change in tenants, a new annual landlord registration in accordance with Chapter 11 of the City Code, must be completed within 10 days of the occurrence.*
 - b. Renewals with no changes; affidavit. Landlords who have experienced no changes to the application filed the previous year, may certify the information (items a.1 through 12) is correct and has not changed by completing an affidavit of the full application. **An Affidavit of No Change can only be filed five consecutive years. The sixth year requires the completion of the full application.**

§ 10-7.4 Annual Landlord Registration Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

SECTION 10-7.5 Procedure for Increase of Occupants – deleted.

a. Every landlord shall have the obligation to monitor any increase in the number of tenants in each dwelling unit and prevent any increase in tenants that exceeds the number of tenants permitted in the landlord registration certificate. In addition, the landlord shall have the obligation to alert the Rental Housing Officer within 10 days of increase in the number of tenants in a dwelling unit above that permitted in the approved annual landlord registration in accordance with Chapter 11 of the City Code.

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~~b. Every tenant shall have the obligation to notify the landlord of any increase in the number of tenants within 10 days of the arrival of a new tenant.~~

~~e. Neither the tenant nor the landlord shall permit more tenants to occupy the dwelling unit than the maximum number of tenants set forth in the approved annual landlord registration in accordance with Chapter 11 of the City Code.~~

§ 10-7.6 Limitations of Occupancy.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

~~e. Maximum Occupancy. The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the approved annual landlord registration in accordance with Chapter 11 of the City Code.~~

§ 10-7.9 Unlawful Activities.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

It shall be unlawful and in violation of this section for a landlord or owner of a dwelling unit or tenant of a dwelling unit or apartment:

- ~~a. To permit or allow people to reside in a dwelling unit in a number in excess of the number of people for which sleeping accommodations are provided in accordance with this section.~~
- ~~b. To lease or rent a dwelling unit where the number of tenants exceeds the total number of sleeping accommodations as set forth in Subsection 10-7.6.~~
- ~~c. To knowingly permit a number of people, greater than the maximum number of occupants or tenants permitted, to occupy a dwelling unit.~~

§ 10-7.12 Fees.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

- a. There shall be an annual fee of \$250.00 (previously was \$75.00) to file an annual landlord registration in accordance with Chapter 11 of the City Code, for each building containing one or more dwelling units.
- b. A late fee of \$50 shall be applied to all registrations or renewals filed after April 1 of each year. Applications received after June 30 will be subject to a penalty fee of \$100.00. Applications received after September 30 will be subject to a penalty fee of \$150.00.
- c. Landlords who decide to renovate or not rent a property will need to file an affidavit with the City Clerk's Office within 30 days of the vacancy.
- d. Landlords who fail to register the property within a one-year cycle, will be required to file the previous year's registration before they can file the current year's registration.
- e. Landlords who decide to rent the property as a Short-Term Rental instead of a housing unit, will be subject to the provisions found in Ordinance Number 32-2023, and/or Chapter 5-11 of the Lambertville City Code, 2014.

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§ 10-7.15 Violations and Penalties.

[Ord. No. 2010-23; amended 12-15-2022 by Ord. No. 35-2022]

- a. In addition to the penalties as set forth in Subsection **10-7.11**, any owner, agent, landlord, tenant and any person or corporation who shall violate any provision of this section or fail to comply therewith or with any of the requirements thereof, shall be liable for one or more of the following: imprisonment in the county jail for any term not exceeding 90 days; by a period of community service not exceeding 90 days; a fine not less than ~~\$100.00~~ **\$250.00** nor more than **\$2,000**. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation. The imposition of a fine in amount greater than \$1,250 upon an owner for violation of this section shall provide for thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the Municipal Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 (up to a maximum of \$2,000 may be imposed if the Court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not been substantially completed. (N.J.S.A. 40:49-5)

INTRODUCED FOR FIRST READING: November 16, 2023

PUBLIC HEARING AND SECOND READING: December 21, 2023

Mayor Nowick opened the public hearing for Ordinance Number 34-2023, 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 34-2023. Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 34-2023 on second reading granting final approval. Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 35-2023: *An Ordinance to Regulate Privately-Owned Salt Storage*

Mayor Nowick read Ordinance Number 35-2023 into the record by title. He informed the members of the public that this Ordinance is a requirement of the City's Tier A Permit with the State of New Jersey, DEP for Stormwater Management.

ORDINANCE NUMBER 35-2023

An Ordinance to Amend the Lambertville City Code, 2014 to Regulate Privately-Owned Salt Storage

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned) * in the City of

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Lambertville to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
 - 1. A fabric frame structure is a permanent structure if it meets the following specifications:
 - 2. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials.
 - 3. The design shall prevent stormwater run-on and run through, and the fabric cannot leak.
 - 4. The structure shall be erected on an impermeable slab.
 - 5. The structure cannot be open sided; and
 - 6. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- F. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th, but no longer than 30 days without prior written approval from the Department:
 - 1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through.
 - 2. Materials shall be placed at least fifty feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels.
 - 3. Materials shall be formed in a cone-shaped storage pile.
 - 4. All storage piles shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible.
 - b. The cover shall extend to the base of the pile(s).

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- c. The cover shall be free from holes or tears.
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind.
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - f. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
5. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

SECTION IV. Exemptions:

This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department of the City of Lambertville during ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCED FOR FIRST READING: November 16, 2023

PUBLIC HEARING AND SECOND READING: December 21, 2023

Mayor Nowick opened the public hearing for Ordinance Number 35-2023, 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 35-2023. Council President Stegman made the motion

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

Mayor Nowick asked for a motion to adopt Ordinance Number 35-2023. Councilwoman Lambert made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 36-2023: *An Ordinance Authorizing the Extension of the Lease Agreement Between the City of Lambertville and Fisherman’s Mark for use of a Portion of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this will allow the City to continue to lease out the old Homestead Market to Fisherman’s Mark.

ORDINANCE NUMBER 36-2023

An Ordinance Authorizing the Extension of the Lease Agreement Between the City of Lambertville and Fisherman’s Mark for use of a Portion of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).

WHEREAS, the City of Lambertville (the “**City**”), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530, owns the property shown on the City Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the “**Property**”); and

WHEREAS, Fisherman’s Mark (“**Fisherman’s Mark**”) requested to lease a portion of the Property for use as a food pantry (the “**Leased Premises**”); and

WHEREAS, Fisherman’s Mark is a New Jersey nonprofit corporation organization based in the City, and in accordance with its mission statement, provides programs to vulnerable populations that promote stability, health, and education, while also providing responsive services such as food and affordable childcare services; and

WHEREAS, Fisherman’s Mark provides a store-like environment to give City residents food to prepare meals that are affordable and healthy choices; and

WHEREAS, the Leased Premises at the Property are not currently being used by the City; and

WHEREAS, the continued use of the Leased Premises at the Property will allow Fisherman’s Mark to continue to provide essential services for City residents in need; and

WHEREAS, the City may lease the Leased Premises to Fisherman’s Mark by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, on December 16, 2021, pursuant to Ordinance 26-2021, the City approved a lease agreement with Fisherman’s Mark for use of the Leased Premises, for a term of one (1) year, effective January 1, 2022 (the “**Lease Agreement**”); and

WHEREAS, on October 20, 2022, pursuant to Ordinance 26-2022, the City approved an extension of the Lease Agreement for six (6) months, with all other provisions of the Lease Agreement remaining unchanged; and

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WHEREAS, on April 20, 2023, pursuant to Ordinance 06-2023, the City approved an extension of the Lease Agreement for an additional six (6) months, with all other provisions of the Lease Agreement remaining unchanged; and

WHEREAS, the City and Fisherman's Mark desire to further extend the term of the Lease Agreement for six (6) additional months, with all other provisions of said Lease Agreement remaining unchanged.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the extension of the Lease Agreement with Fisherman's Mark for use of the Leased Premises, for a period of six (6) months, with all other terms of the Lease Agreement remaining unchanged.
3. The Mayor is authorized to execute any documents necessary to effectuate the extension the Lease Agreement described herein.
4. If any section, paragraph, subdivision, clause, sentence, phrase, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

INTRODUCTION AND FIRST READING: November 16, 2023
PUBLIC HEARING AND SECOND READING: December 21, 2023

Mayor Nowick opened the public hearing for Ordinance Number 36-2023, and he asked for public comment.

Paul Stevens commented that he was curious about what we are leasing it for. He said he downloaded the Ordinance, but Exhibit A is not part of the Ordinance. He cited State of New Jersey regulations and said one of these should have said how much it is being leased for. Has it increased? Because taxes have been increased. At the time it was an emergency, and we provided this space, I cannot even find where it is listed in our budget as a revenue. He said he is curious as to how much we are getting and feels it should have been put in the original ordinance.

Dave Burd said he has questions on the lease. There was an original period that just keeps getting extended, this is one of the buildings that was going to be escalated and sold to return money to taxpayers. That has not happened yet. I trust that the agreement includes the right to terminate the lease. He asked how much it was costing, and what about escalation. Are all expenses being paid for by the leases, repair of equipment, electric, etc.? This is no longer an emergency period.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 36-2023. Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An

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affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick informed the members of the public that the lease was extended by two different Governing Bodies. The lease is \$1,000 per month. Fisherman's Mark must maintain that portion of the property. He asked the City Clerk to send the Ordinances to Ms. Gleason, Mr. Stevens, and Mr. Burd.

Councilman Lide commented that the extension of the lease is not preventing the City from selling the property.

Mayor Nowick asked for a motion to adopt Ordinance Number 36-2023 on second reading, granting final approval. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE

Mayor Nowick noted that there are two pieces of correspondence listed.

Elizabethtown Gas: Notice of Public Hearings scheduled for December 21, 2023, BPU Docket No. GR23070476, GR23607077 and GR23070478)

Lamberts Hill Homeowner Association Letter regarding their environmental efforts and the ban on the use of gas-powered leaf blowers.

ANNOUNCEMENTS

Mayor Nowick highlighted the Announcement Section of the Agenda.

THE CITY GOES PAPER FREE IN 2024: All meetings of the Governing Body will be paper free for 2024. This means the agenda will be posted online only and paper copies will not be available at our meetings.

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.

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

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

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.

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

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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.

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.

CONVENIENCE CENTER HOURS

Saturdays: January 6, 2024, January 20, 2024, from 9 am to 12 noon.

Wednesday: January 17, 2024, from 3 – 5 p.m.

PUBLIC PARTICIPATION

Mayor Nowick opened the public participation session and asked for public comment. There
being no further public comment, Mayor Nowick asked for a motion to close the public
participation session. Councilman Lide made the motion and Councilwoman Lambert seconded
the motion. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

ADJOURNMENT

Mayor Nowick asked for a motion to adjourn the meeting at 7:30 p.m. Councilwoman Lambert
made the motion and Council President Stegman seconded the motion. An affirmative voice vote
was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege, CMR, RMC, City Clerk