



City of Lambertville
Regularly Scheduled Council Meeting
Thursday, September 1, 2022, 7:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union
Street, Lambertville
AGENDA

- I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
The meeting agenda provides for all action items known at the time of publication and is subject to change.
- II. ROLL CALL
Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Nowick
- III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- IV. IDA COMMEMORATION
- V. RESOLUTIONS

RESOLUTION NUMBER 160-2022: *A Resolution to Authorize An Emergency Appropriation to Provide Supplemental Funding for Ida Related Projects in the Amount of \$500,000.*

Note: in the process of being written.

RESOLUTION NUMBER 153-2022: *A Resolution to Award the Bids Received for the Project Titled Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek & York Street to Kyle Conti Construction, LLC in An Amount Not to Exceed \$1,696,961.00*

RESOLUTION NUMBER 153-2022

A Resolution to Award the Bid Received from the Kyle Conti Construction, LLC for the Project Titled Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek & York Street in An Amount Not to Exceed \$1,696,691.00

WHEREAS, the City of Lambertville advertised for the submission of formal bids for the project titled Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek & York Street in the July 6, 2022 edition of the Trenton Times; and

WHEREAS, the bid opening was held on Thursday, August 11, 2022 in-person at City Hall; and

WHEREAS, the City received the following bids:

JCP Group, Inc. in the amount of \$1,926,050.00

Kyle Conti Construction, LLC in the amount of \$1,696,961.00

Seacoast Construction, Inc. in the amount of \$1,960,827.97

Low bidder: Kyle Conti Construction, LLC

WHEREAS, the City Engineer and City Attorney have reviewed the bids submitted and have deemed the bid submitted by Kyle Conti Construction, LLC to be responsive and responsible; and

WHEREAS, the CMFO has certified funds are available for the completion of this project.

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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 bid for the Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek & York Street by Kyle Conti Construction, LLC in an amount not to exceed \$1,696,961.00 is hereby authorized;

BE IT FURTHER RESOLVED that the Mayor, City Attorney and City Clerk are hereby authorized to sign the contract with Kyle Conti Construction, LLC.

ADOPTED: September 1, 2022

RESOLUTION NUMBER 154-2022: A Resolution to Award the Bid Received for the Project Titled Tropical Storm Ida Restoration Projects For Various Roadways to Earle Asphalt Company in An Amount Not to Exceed \$660,717.13

RESOLUTION NUMBER 154-2022

A Resolution to Award the Bid Received for the Project Titled Tropical Storm Ida Restoration Projects For Various Roadways to Earle Asphalt Company in an Amount Not to Exceed \$660,717.13

WHEREAS, the City of Lambertville advertised for the submission of formal bids for the project titled Tropical Storm Ida Restoration Projects For Various Roadways in the July 29, 2022 edition of the Trenton Times; and

WHEREAS, the bid opening was held on Thursday, August 18, 2022 in-person at City Hall; and

WHEREAS, the City received the following bids:

PM Construction Corp., in the amount of \$495,850.00 – withdrew bid

Earle Asphalt Company in the amount of \$660,717.13

JCP Group, Inc. in the amount of \$699,750.00

Seacoast Construction Inc. in the amount of \$738,430.71

Reivax Contracting Corp. in the amount of \$850,430.71

Low bidder: Earle Asphalt Company

WHEREAS, the City Engineer and City Attorney have reviewed the bid document submitted by Earle Asphalt Company and have determined it to be responsive and responsible.

WHEREAS, the CMFO has certified 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 bid for the Tropical Storm Ida Restoration Projects For Various Roadways Project submitted by Earle Asphalt in an amount not to exceed \$660,717.13 is hereby awarded.

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized to rebid the project.

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RESOLUTION NUMBER 155-2022: *A Resolution to Award the Bid Received from CMS Construction, Inc. for the Swan Creek Tributary Stabilization & Restoration Project and Tropical Storm Ida Restoration Projects for Swan Creek and Quarry Street in An Amount Not to Exceed \$282,140.00.*

RESOLUTION NUMBER 155-2022

A Resolution to Award the Bid Received from the CMS Construction, Inc. for the Swan Creek Tributary Stabilization & Restoration Project and Tropical Storm Ida Restoration Projects for Swan Creek and Quarry Street in An Amount Not to Exceed \$282,140.00

WHEREAS, the City of Lambertville entered into a Memorandum of Understanding with the Township of West Amwell for the project titled Swan Creek Tributary Stabilization & Restoration Project and Tropical Storm Ida Restoration Projects for Swan Creek and Quarry Street on May 19, 2022; and

WHEREAS, the Township of West Amwell will serve as the lead agency for this project; and

WHEREAS, the bid opening was held on Thursday, August 18, 2022 in-person at the Township of West Amwell; and

WHEREAS, the following bids were received:

JP Group in the amount of \$732,690.00

Kyle Conti Construction, LLC in the amount of \$767,767.00

CMS Construction, Inc. in the amount of \$282,140.00

WHEREAS, the City Engineer's review of the low bids received found the CMS Construction, Inc. to be responsible and responsive; and

WHEREAS, the CMFO has certified 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 bid received from the CMS Construction, Inc. for the Swan Creek Tributary Stabilization & Restoration Project and Tropical Storm Ida Restoration Projects for Swan Creek and Quarry Street is hereby awarded in an amount not to exceed \$282,140.00.

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

ADOPTED: September 1, 2022

VI. APPOINTMENT TO BOARDS/COMMISSIONS

- a. Parks and Recreation Commission
 - i. Term Expiring 12/31/2025
- b. Library
 - i. Term Expiring 12/31/2023

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- ii. Term Expiring 12/31/2025

VII. DISCUSSION ITEMS

- a. Delaware Raritan Canal Watch Project (Working Model of D&R Canal)
- b. Closson Property
 - i. Green Acres Grant
 - ii. Hunterdon County Open Space Grant
- c. Facilities

VIII. ORDINANCES CURRENTLY IN DRAFT FORM:

ORDINANCE NUMBER XX-2022: *An Ordinance to Revise the Lambertville City Code, 2014, Chapter XX, Flood Damage Prevention, Incorporating the Mandated Higher State Standards Found in the Flood Hazard Area Control Act. See 08-19-2022 Letter from NJDEP.*

ORDINANCE NUMBER 23-2022: *An Ordinance to Revise the Vacant Property Ordinance (NJ Statute Changes, Adoption of Abandoned Houses)*

ORDINANCE NUMBER 23-2022

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4: Police Regulations, Adding Section 15: Registration and Maintenance of Abandoned and Vacant Buildings

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential and commercial properties; and

WHEREAS, periodically property owners have abandoned their property and have failed to maintain or secure them to an adequate standard; which affects the health, safety, and welfare of residents and visitors of the City, including diminution of neighboring property values, increased risk of fire, potential increases in criminal activity, and potential increases in health risks; and

WHEREAS, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the City of Lambertville to establish a mechanism to identify and track vacant and abandoned properties in the City which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance; and

WHEREAS, it is also in the public interest to impose a fee in conjunction with the registration of vacant and abandoned properties/structures in light of the disproportionate costs imposed of the City by the presence of these structures; and

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WHEREAS, the City has reviewed recent amendments to Titles 2A 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibility of foreclosing creditors; and

WHEREAS, Chapter 444, approved January 18, 2021, revised several parts of the statutory law and supplementing Title 40 of the Revised Statutes requires that municipalities receive notice of the initiation of a foreclosure action with residential properties as well as commercial properties; and

WHEREAS, as a result of such legislation, certain amendments to the Lambertville City Code, 2014 are required.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that Chapter 4 entitled Police Regulations, adding Section 15, Registration and Maintenance of Vacant Buildings is hereby added as follows:

SECTION 1: REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED BUILDINGS

- I. **PURPOSE:** This ordinance authorizes the City of Lambertville to govern the maintenance of vacant or abandoned property in the City of Lambertville, establishing registration requirements and levying a registration fee on owners of vacant properties.

II. **DEFINITIONS:**

Creditor means a State chartered bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L.2009, c. 53 (C.17:11C-51 et. seq.), any foreclosing entity subject to the provisions of C.46:10B (P.L.2008, c. 127, Sec. 17 as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, not limited to, services.

Owner: Includes the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provision of N.J.A.C. 46:10B-51 (P.L.2008, c. 127, section 17) or any other entity determined by the City of Lambertville.

Vacant and Abandoned Property: Any building used or to be used for residential or commercial purposes which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased and been abandoned for more than six months, provided, however, that any property that contains all building system in working order, is fully compliant with our property maintenance codes, and is being actively marketed by its owner for sale or rental, shall not be deemed vacant.

Property determined to be 'abandoned property' in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.; and/or N.J.S.A. 2A:50-73 residential real estate, where notice of violation has been issued pursuant to N.J.S.A. 40:48-2.12s(1)(b); and/or where a

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mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- A. Overgrown or neglected vegetation;
- B. The accumulation of newspapers, circulars, flyers or mail on the property;
- C. Disconnected gas, electric, or water utility services to the property;
- D. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- E. The accumulation of junk, litter, trash or debris on the property;
- F. The absence of window treatments such as blinds, curtains or shutters;
- G. The absence of furnishings and personal items;
- H. Statements of neighbors, association management, delivery person, or government employees indicating that the residence is vacant and abandoned;
- I. Window or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- J. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- K. Risk to health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property;
- L. An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- M. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- N. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property which must be received in the office of the Municipal Clerk within ten (10) days of serving the summons and complaint;
- O. Any other reasonable indicia of abandonment.

Residential properties shall not be considered "Vacant and Abandoned" if, on the property:

- A. There is an unoccupied building which is undergoing construction, renovation or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations and statutes;
- B. There is a building occupied on a seasonal basis, but otherwise secure; or
- C. There is a building that is secure, but is the subject of a probate action, action to quiet title or other ownership dispute.

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III. REQUIREMENTS FOR OWNERS OF PROPERTY

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall within 30 days:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the code of the City of Lambertville.
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of the process, and the person responsible for day-to-day supervision and management of the building, if such a person is different from the owner holding title or authorized agent. The sign shall be of a size and place in such a location so as to be legible from the nearest public street or sidewalk, whichever is near, but shall be no smaller than 18"x24".
- C. Secure the building from unauthorized entry and maintain a sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.
- D. Post the property with "No Trespassing" signs or a nature sufficient to give notice to any person entering upon the property that is against the laws to enter the property without permission of the owner.
- E. Ensure that the vacant property is inspected on a monthly basis by the owner's authorized agent and prepare inspection reports, which shall be forwarded to the Construction Officer or the Mayor's designee no later than the last day of each month.
- F. Ensure that the vacant property is maintained in accordance with all property maintenance ordinances of the City of Lambertville.
- G. The owner of any vacant building shall acquire and otherwise maintain liability insurance by procuring a vacancy policy in an amount of not less than three hundred thousand dollars (\$300,000) for buildings designed primarily for use as residential units and not less than one million dollars (\$1,000,000) for any other building including, but not limited to buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration which shall subject the owner to penalties under this ordinance.

IV. ADMINISTRATION

The Mayor and City Council may issue rules and regulations for the administration of the provision of this ordinance.

V. VIOLATIONS AND PENALTIES

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- A. Any Owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 and not more than \$1,000 for each offense. Each day during which any violation of this chapter continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purpose of this chapter, failure to file a registration statement on time, failure to provide correct information on the registration statement, failure to submit inspection reports, failure to comply with the provisions of this Chapter, or such other matters as may be established by the rules and regulations of the Construction Department, Zoning Officer, or the Police Department, or any other agent as authorized by the Mayor or his designee, shall be deemed to be violations of this ordinance.

VI. EFFECT ON OTHER LAWS, INTERPRETATION OF PROVISIONS

Nothing in this chapter is intended nor shall be read to conflict or prevent the City of Lambertville from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Lambertville City Code, 2014.

VII. EXCESS FUNDS

Any funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this Chapter shall be used at the discretion of the Mayor and City Council.

VIII. CREDITOR RESPONSIBILITY

Pursuant to the provisions of the New Jersey Creditor Responsibility Law (P.L.2014, c.5), a creditor filing a summons and complaint to foreclose a lien on a property that is vacant and/or abandoned, whether filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. The Creditor must provide notice to the Municipal Clerk within ten (10) days of serving the summons and complaint to the property owner.

If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the Creditor shall provide a notice to the Municipal Clerk containing the updated name, address, or telephone number within 10 days of the change in that information.

IX. NOTICE TO CREDITOR; TIME TO CORRECT VIOLATIONS

If the Zoning Officer or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of the Code, the public officer or other

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authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation with thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is "vacant and abandoned" for purpose of N.J.S.A. 2A:50-73.

X. DESIGNATED REPRESENTATIVE OF OUT-OF-STATE CREDITOR; VIOLATION

An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provide to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500 for each day of the violation commencing on the day after the ten (10) day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

XI. VIOLATIONS AND PENALTIES

For violation of any provision of this chapter, the penalty, upon conviction, shall be a minimum fine of \$100 and a maximum fine not exceeding \$2,000, or imprisonment for a period not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof. Each day on which such violation exists shall constitute a separate violation. The court before which any person is convicted of violating this chapter shall have the power to impose a penalty, pursuant to N.J.S.A. 26:3-70 et seq. and the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.(1)), of not more than \$500 nor less than \$5. A creditor required to care for, maintain, secure, and keep up a property under this Chapter cited in notices issued pursuant to this Chapter shall be subject to a fine of \$2,000 for each day of the violation. The penalties set forth in this section are separate and apart from the remedy provided for in the New Jersey Statutes Annotation, N.J.S.A. 40:48-2.13 and 40:48-2.14. The remedy in this section shall be in addition to all remedies available to the City in laws or in equity.

XII. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

XIII. REGISTRATION

Effective July 1, 2017, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Municipal Clerk on forms provided by the Municipality for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

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- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number and email address (if applicable) of a person 21 years or older, designated by the owner or owners as authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code, and the name, street address, telephone number, and email of the firm and the actual name(s) of the first individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one year from the date of registration except for the initial registration which shall expire December 31 of the year registered. The owner shall be required to renew the registration annually as long as the building remains vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in section 8 of this ordinance, for each vacant property registered.
- D. The annual renewal shall be completed by January 1 of each year.
- E. The owner shall notify the Municipal Clerk's Office within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the City of Lambertville for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement preceding our court proceeding instituted by the City of Lambertville against the owner or owners of the building.

XIV. FEE SCHEDULE

The initial registration fee for each building shall be five-hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars. The fee for filing amendments is fifty (\$50.00) per amendment.

SECTION 2: SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: REPEALER

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Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only. All other parts of the Lambertville City Code, 2014 not inconsistent herewith are ratified and confirmed.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect upon publication.

FIRST READING AND INTRODUCTION: September 15, 2022

SECOND READING AND PUBLIC HEARING: October 20, 2022

ORDINANCE NUMBER 24-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Section 10-7 Rental of Housing Units (certificate of insurance from all owners of rental properties)*

Amendments include:

CERTIFICATE OF INSURANCE: In accordance with Senate, No. 1368, Business Owners and Rental Unit Owners to maintain certain liability insurance policies. The owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate insurance demonstrating compliance with section 1 of S1368.

Replacing Housing Officer with Zoning Officer and Fire Official (where applicable).

Addition of Lead Paint Certifications.

ORDINANCE NUMBER 25-2022: *An Ordinance Authorizing and Encouraging Electric Vehicle Supply/Service 9EVSE & Make Ready Parking Spaces*

ORDINANCE 25-2022
AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE
SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES
[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E.]

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the **City of Lambertville** of Hunterdon.

WHEREAS, supporting the transition to electric vehicles contributes to **City of Lambertville's** commitment to sustainability and is in the best interest of public welfare; and

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WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the **City of Lambertville** encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of *City of Lambertville* adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals *and objectives* of the Master Plan as well as the land use, circulation, and *the following* elements of the Master Plan:

Goal Number 2: Encourage new public park areas throughout the City for passive and active recreational areas;

Goal Number 4: Seek long term solutions to problems of parking and traffic congestion,

WHEREAS, the *City of Lambertville* encourages greater ownership and use of electric vehicles, thus the *City of Lambertville* is amending the *Land Use, Zoning Ordinance, Article IV, Section 406.7, Off Street Parking and Loading Requirements* to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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

{Note: Title of the Ordinance, policy statements, and Purpose of the ordinance are optional sections and may be changed by the municipality.}

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.

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2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station." *{Note: Definition is directly from legislation and cannot be changed.}*

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes

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expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.). *{Note: Definition is directly from legislation and cannot be changed.}*

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

{Note: Section C. of the model ordinance is mandatory and may not be altered.}

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The **Zoning Officer** shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of City of Lambertville’s land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan

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- or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
- a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the **Zoning Officer** within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

{Note: Section D of the model ordinance is mandatory and may not be altered.}

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
- a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

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- d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- 2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

{Note: Section E of the model ordinance is mandatory and may not be altered. }

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Z-406.7 Off-Street Parking and Loading Requirements.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

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F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
 - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. *{Note: The use of time limits is optional and shall be determined by the owner.}*
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Municipal Code titled Lambertville City Code, 2014, **Chapter 8, Municipal Parking Areas and Metered Parking**. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

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4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with *the City of Lambertville's* ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, **City of Lambertville** shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

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- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitting at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

- a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be _____ for each hour that the electric vehicle is connected to the EVSE.

NOTE: Lindsay is looking up fees so that we are consistent with neighboring communities.

- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

FOURTH: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the governing body of the City of Lambertville, in the County of

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Hunterdon, in the State of New Jersey on Thursday, April 21, 2022 held in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the city.

INTRODUCTION AND FIRST READING: September 15, 2022

PLANNING BOARD REVIEW: October 5, 2022

PUBLIC HEARING AND SECOND READING: October 20, 2022

ORDINANCE NUMBER 26-2022: An Ordinance to Amend the Lambertville City Code, 2014, Addition Provisions for Film and Media. This ordinance is currently in draft form and needs some additional edits.

ORDINANCE NUMBER 27-2022: An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIV: Streets and Sidewalks

ORDINANCE 27-2022

An Ordinance to amend the Lambertville City Code, 2014, Chapter XIV: Streets and Sidewalks

BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the revised general ordinances of the City of Lambertville, 1990, Chapter XIV, Streets and Sidewalks be amended as follows (additions appear underlined, deletions appear [bracketed]):

§ 14-2.6 Inspection, Notice.

The Director of Public Works shall periodically inspect the properties in the City and determine, that for reasons of public safety and convenience, it is necessary to construct, repair or alter or relay any curbing or sidewalks, and submit a report of any such inspection to the Governing Body of the City. The Governing Body may then, by resolution, order the Director to serve a notice in writing upon the owners or occupants of the land requiring the necessary specified work to such curbs or sidewalks to be done by the owner and occupant in accordance with the provisions of this section within a period of not less than 60 days from the date of service of such notice. When the land is unoccupied and the owner is a nonresident, or his post office address is unknown, then such notice shall be given in accordance with the provisions set forth in *N.J.S.A. 40:65-3*, Service of Notice.

Any owner or occupant of such lands who does not comply with the requirements of such notice shall, upon conviction, be liable to the penalty established in Chapter 1, Section 1-5.

§ 14-2.7 Work Done by City.

In addition to the penalty set forth in Chapter 14-2.6 herein, [I]f the owner or occupant of such lands does not comply with the requirements of such notice, the Director of Public Works [shall] may, in his or her discretion, cause the required work to be done and paid for out of the City funds. In the case of sidewalks, the material used shall be brick, flagstone or Class C concrete. The cost of such work shall be certified by the Director to the City Tax Assessor and upon the filing of such

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certificates, the cost of such work shall be a lien upon the abutting lands in front of which such work was done, pursuant to the provisions of the State Statutes.

This ordinance shall take effect immediately upon adoption according to law.

Introduction: September 15, 2022
Adoption: October 20, 2022

IX. ANNOUNCEMENTS

a. CONVENIENCE CENTER HOURS

Saturday, September 10, 2022 from 9 am to noon
Wednesday, September 21, 2022 from 3 - 5 pm
Saturday, September 24, 2022 from 9 am to noon

Saturday, October 1, 2022, from 9 am to 12 noon
Saturday, October 15, 2022, from 9 am to 12 noon
Wednesday, October 19, 2022, from 3 to 5 pm
Saturday, October 29, 2022, from 9 am to 12 noon

- b. ELECTRONICS RECYCLING:** Saturday, November 19, 2022 from 10 am to 1 pm at the American Legion, 320 North Union Street in Lambertville. Electronics only – no microwaves.
- c. Count Bridge Y-41:** Located on County Route 518 in the city of Lambertville. Y-41 is located east of Curly Lane and 2/10 of a mile West of Swan Street. The West bound lane will be closed to traffic **beginning on or about 9/6/2022**. The road will be passable to traffic in both directions, with a new traffic pattern, (Stop Signs at the bridge in both East and West bound Lanes.) Closure will be 6 – 8 weeks weather permitting.

X. PUBLIC PARTICIPATION

XI. CLOSED SESSION: Closed Session of the Governing Body of the September 1, 2022 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the September 1, 2022 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)(7)”

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on September 1, 2022, in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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

ADOPTED: September 1, 2022

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

XII. ADJOURNMENT