



**CITY OF LAMBERTVILLE
WORK SESSION
DECEMBER 2, 2021, 7 P.M.
LAMBERTVILLE PUBLIC SCHOOL
200 NORTH MAIN STREET
AGENDA**

I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The meeting notice was provided to the Hunterdon County Democrat, the Trenton Times, department heads, various individuals on the listserv and the meeting agenda was posted to the City's website at www.lambertvillenj.org and on the bulletin board at city hall.

This meeting will be recorded.

The meeting agenda provides for action items at the extent known at the time of publication.

II. ROLL CALL

Present: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

In honor of those serving in the United States Armed Forces, those serving on the front lines of COVID and for those impacted by Tropical Storm Ida.

IV. RESOLUTIONS

- a. RESOLUTION NUMBER 150-2021: *A Resolution to Approve the Person-to-Person and Place-to-Place Transfer of the Alcoholic Beverage Control License Number 1017-33-001-005, from Stephen Williamson to Under the Moon LLC, 23 North Union Street in the City.*

RESOLUTION NUMBER 150-2021

A Resolution to Authorize the City Clerk to Sign the Person-to-Person Transfer of Liquor License Number 1017-33-001-005 from Stephen Williamsons to Under the Moon Foods, LLC

WHEREAS, an application has been filed by Under the Moon Foods, LLC for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1017-33-001-005, heretofore issued to Stephen Williams for a pocket license, Lambertville, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated

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thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council do hereby approve the transfer of the aforesaid Plenary Retail Consumption License to Under the Moon Foods LLC and do hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred December 2, 2021 to Under the Moon Foods, LLC for premises located at 23 North Union Street, Lambertville."

ADOPTED: December 2, 2021

b. RESOLUTION NUMBER 151-2021: *A Resolution to Approve the PBA Contract.*

City of Lambertville

RESOLUTION NUMBER 151-2021

A Resolution Authorizing the Ratification of a Memorandum of Agreement Between the City of Lambertville the Hunterdon County PBA Local No. 188.

WHEREAS, the sworn officers in the full-time employ of the Lambertville Police Department are organized as a collective negotiation unit represented by the Hunterdon County PBA Local No. 188; and

WHEREAS, representatives of the City and Hunterdon County PBA Local No.188 met on several occasions to discuss the new contract commencing January 1, 2022; and

WHEREAS, representatives of the said negotiating unit have negotiated with the City on revisions to the terms and conditions of their employment for a proposed contract during the period of January 1, 2022 through December 31, 2025, the terms of which have been memorialized by a Memorandum of Agreement which contains provisions with respect to compensation and other conditions of employment negotiated for this contract period; and

WHEREAS, the Memorandum of Agreement proposes the following changes to a successor contract are proposed:

1. Increases to the base compensation for all unit employees, according to the following schedule: a 0% increase to all salaries in the applicable step guides effective January 1, 2022; a 2% increase to all salaries in the applicable step guides effective January 1, 2023; a 2.5% increase to all salaries in the applicable step guides effective January 1, 2024; a 3% increase to all salaries in the applicable step guides effective January 1, 2025;

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2. Inclusion of the titles of Corporal and Sergeant 1st Class into the contract to reflect an additional \$1,500 for Corporal and \$2,500 for Sergeant 1st Class per annum above the salary that an officer appointed to such position receives in the step guide;
3. Establishing a set rate of \$91.71/hour for special duty work, such as security, road traffic details, etc.;
4. Miscellaneous revisions to provisions of the contract that include: (i) revision the definition for years of service in Art. 6 to clarify the determination of years of service credit for laterally hired officers with prior experience from another law enforcement agency; (ii) revision to certain provisions of Art. 16 & Art. 37 concerning dues and representation for compliance with the U.S. Supreme Court decision in Janus v. AFSCME and the New Jersey Workplace Democracy Enhancement Act; (iii) conforming Art. 16, section 8 to reflect the City's compliance with updates to applicable federal and state leave laws; (iv) revisions to Step I grievance procedures under Art. III; and

WHEREAS, the City Council is authorized to approve the City entering into such a contract with a public bargaining negotiations unit without public advertising for bids as provided by the Local Public Contracts Law; and

WHEREAS, the City Council desires to ratify the Memorandum of Agreement that the parties have negotiated concerning revisions to the terms of the contract for the period of January 1, 2022 through December 31, 2025; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of NJ as follows:

1. That the City Council hereby approves and ratifies the Memorandum of Agreement negotiated with the Hunterdon County PBA Local No.188 for the term January 1, 2022 through December 31, 2025.
2. The Mayor, City Labor Counsel and the City Clerk are hereby authorized to memorialize a new contract for the foregoing term that incorporates and is consistent with the negotiated changes reflected in the Memorandum of Agreement.
3. That all provisions of the said contract once conformed and adopted hereinafter shall be construed consistent with and not as a waiver of any existing constitutional or statutory provisions.
4. That the Mayor and City Clerk are hereby authorized to execute, enseal and deliver said the contract on behalf of the City.
5. Notice of this action shall be published as required by law.

ADOPTED: December 2, 2021

- c. RESOLUTION NUMBER 152-2021: *A Resolution to Reject the Bids Received for the 2020 Road Projects and the Alternate Bid for Road Repairs Due to Damage from Ida.*

RESOLUTION NUMBER 152-2021

A Resolution to Reject the Bids Received for the 2020 Road Projects and the Alternate Bid for Road Repairs Due to Damage from Ida.

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WHEREAS, the City of Lambertville advertised for the acceptance of bids for the 2020 road projects and an alternate bid for road repairs associated with Tropical Storm Ida on November 5, 2021; and

WHEREAS, the city received two bids in response to our request for proposals which were publicly opened and read out loud; and

WHEREAS, the following bids were received:

NAME	BASE BID	SUPPLEMENTAL BID
Reivax Contracting Corp.	435,682.50	185,044.75
Top Line Construction Corp.	531,409.70	248,146.93

WHEREAS, the City Engineer has reviewed the bids and recommends that the city rejects all bids as they exceed the engineer’s estimates; and

WHEREAS, the State of New Jersey has approved an extension for the 2020 Road Projects grant to April 30, 2022.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the bids received for the 2020 road jobs are hereby rejected.

ADOPTED: December 2, 2021

- d. RESOLUTION NUMBER 153-2021: *A Resolution to Approve Participation in the MDL Settlement (Opioid Settlement: this would assist with increasing funding to the State. Related Materials are in the meeting folder).*

RESOLUTION NO. 153-2021

AUTHORIZING PARTICIPATION IN THE NATIONWIDE SETTLEMENT AGREEMENTS WITH JOHNSON & JOHNSON, MCKESSON, CARDINAL HEALTH, AND AMERISOURCEBERGEN TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE COUNTRY’S OPIOID CRISIS

WHEREAS, on August 20, 2021, Acting Attorney General Andrew J. Bruck announced that New Jersey intends to join nationwide settlement agreements with New Jersey based pharmaceutical company Johnson & Johnson and the United States’ three largest pharmaceutical distributors – McKesson, Cardinal Health and AmerisourceBergen – to resolve claims involving their roles in fomenting the country’s opioid crisis; and

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WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

WHEREAS, participation by a significant number of states, county and municipal governments nationwide must agree to the proposed terms in order for the settlements to take effect; and

WHEREAS, provided enough states opt to participate in the settlements, their subdivisions (i.e. county and municipal governments) will have through January 2, 2022 to join; and

WHEREAS, it is in the best interests of the city and its residents to participate and join in the settlement agreements in order to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again in the future.

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 it hereby authorizes the Mayor, City Clerk, Business Administrator, or any other city official that may be appropriate, to sign any documents necessary in order to join the settlement agreements with Johnson & Johnson, McKesson, Cardinal Health and AmerisourceBergen to resolve claims involving their participation in the opioid crisis without further authorization by the governing body; and

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this Resolution to the Office of The Attorney General and the New Jersey League of Municipalities.

- e. RESOLUTION NUMBER 154-2021: A Resolution to Authorize the Six-Month Extension for Block 1004, Lot 25, 278 North Union Street, for Flood Proofing of the Buildings.

RESOLUTION NUMBER 154-2021

A Resolution to Authorize the Six-Month Extension for Block 1004, Lot 25, 278 North Union Street, for Flood Proofing of the Buildings.

WHEREAS, pursuant to Chapter 19, Flood Damage Prevention, of the City of Lambertville's (the "City") Code of Ordinances (the "City Code"), the City has adopted regulations to promote the public health, safety, and general welfare, and specifically, to minimize public and private losses due to flood conditions in specific areas ; and,

WHEREAS, the City Construction Official has determined that the property located at 278 North Main Street, designated on the tax maps of the City as Block 1004, Lot 25 9th the "Property"), incurred Substantial Damage and therefore requires Substantial Improvement, as both terms are defined in Chapter 19 of the City Code; and

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WHEREAS, the owner of the Property has requested a six-month extension of time, to be calculated from the date of the Substantial Damage to comply with the provisions of Chapter 19-5.2(b) of the City Code; and

WHEREAS, the owner of the Property has agreed to accept the City Construction Official's determination that the Property incurred Substantial Damage and therefore requires Substantial Improvement and to make the necessary repairs in accordance with Chapter 19 of the City Code.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Lambertville authorize a six-month extension of time, to be calculated from the date of the Substantial Damage, for the owner of the Property to comply with the provisions of Chapter 19-5.2(b) of the City Code.

ADOPTED: December 2, 2021

- f. RESOLUTION NUMBER 155-2021: A Resolution to Suspend the Street Sweeper Beginning Monday, December 6, 2021, and Ending March 14, 2021 Weather Permitting.*

RESOLUTION NUMBER 155-2020

A Resolution to Suspend the Street Sweeper Beginning December 13, 2021 and Ending March 14, 2022, weather permitting.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville that the Street Sweeper is hereby suspended from operation beginning Monday, December 13, 2021 and ending March 14, 2022, weather permitting.

ADOPTED: December 2, 2021

- g. RESOLUTION NUMBER 156-2021: A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute the Access Agreements with the Property Owners as Required to Address the Damage Created by Tropical Storm Ida.*

A Resolution to Authorize the Mayor, City Attorney and City Clerk to Execute the Access Agreements with the Property Owners as Required to Address the Damage Created by Tropical Storm Ida.

WHEREAS, the City of Lambertville sustained severe damage from Tropical Storm Ida to various streams and waterways; and

WHEREAS, there are instances where pipes, culverts, and property not owned by the City were damaged; and

WHEREAS, the city must access private property to provide a temporary fix to protect from additional damage.

NOW THEREFORE BE IT RESOLVED by the governing body of the city of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Attorney and

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City Clerk are authorized to execute access agreements with the properties that require a temporary patch.

BE IT FURTHER RESOLVED that the access agreement will be through March of 2022.

ADOPTED: December 2, 2021

V.DISCUSSION ITEMS - Police Site Redevelopment Plan –

- a. Overview – Mayor Fahl
 - a. Financial Analysis
 - b. Budget Review
 - c. Tax Implications
 - d. Lease Agreement
- b. ORDINANCES – FIRST READING (*drafts in process*):
 - a. ORDINANCE NUMBER 29-2021: *An Ordinance to Introduce the Pilot Agreement with the Kalian Companies, LLC.*

ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, NEW JERSEY APPROVING THE APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH LAMBERTVILLE URBAN RENEWAL, LLC AFFILIATE OF KALIAN MANAGEMENT, LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and/or rehabilitation; and

WHEREAS, on July 23, 2020, by Resolution No. 95-2020, the Governing Body (the “**Governing Body**”) of the City, pursuant to and in accordance with the requirements of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”), designated the properties identified on the tax map of the City as Block 1003, Lot 3, as a Non-Condensation Area In Need Of Redevelopment (the “**Redevelopment Area**”); and

WHEREAS, on December 17, 2020, the Governing Body adopted Ordinance 18-2020 enacting a redevelopment plan for the Redevelopment Area entitled the *Police Station Tract Redevelopment Plan* (the “**Redevelopment Plan**”); and

WHEREAS, Lambertville Urban Renewal, LLC, an affiliate of Kalian Management, LLC (the “**Redeveloper**”) is the contract purchaser of the Redevelopment Area, identified as Block 1003, Lot 3 on the official tax map of the City (hereinafter, the “**Property**”); and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project as defined below, the City entered into a redevelopment agreement with

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the Redeveloper dated December __, 2021 (the "**Redevelopment Agreement**"), which Redevelopment Agreement specifies the rights and responsibilities of the City and Redeveloper with respect to certain aspects of the Project (as hereinafter defined); and

WHEREAS, the Redevelopment Agreement sets forth the terms and conditions by which the Redeveloper will purchase and thereafter redevelop the Property with a four (4) story residential building containing twenty-seven (27) residential units, five (5) of which shall be affordable housing units as well as certain other on-site improvements, including forty-six (46) parking spaces (collectively, together with any improvements and any other actions described in the Redevelopment Agreement related to such development, the "**Project**"); and

WHEREAS, the Redeveloper made an application to the Governing Body (the "**Application**") for a long-term tax exemption pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.* (the "**Long Term Tax Exemption Law**"); and

WHEREAS, pursuant to and in accordance with the provisions of the Redevelopment Law and the Long Term Tax Exemption Law, the City is authorized to provide for a tax exemption within a redevelopment area and for payments in lieu of taxes ("**PILOTS**") in accordance with certain applicable provisions of the Long Term Tax Exemption Law; and

WHEREAS, the Governing Body has made the following findings:

A. **Benefits of Project v. Costs.**

i. The development and construction of the Project as set forth in the Redevelopment Agreement and Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Property; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Property and will enhance the economic development of the City.

ii. It is anticipated that the development of the Project will create approximately 80-100 construction jobs over the duration of the construction of the Project, as well as 5-6 full-time permanent jobs in connection with the commercial operation portion of the Project.

iii. In 2021, the Property, which was municipally owned and therefore tax exempt, generated \$0 in total real estate taxes to all government units. Pursuant to this Financial Agreement, the Project is projected to generate municipal revenue of approximately \$64,886.00 in the first year and approximately \$4,532,457.00 over the term of this Agreement. The City has determined that the benefits to the City accruing as a result of the Project, including the revitalization of the Redevelopment Area, and the generation of jobs as described above, will substantially outweigh any costs to the City resulting from the long term tax exemption granted herein.

B. **Importance of Long Term Tax Exemption.**

The Governing Body's approval of the Long Term Tax Exemption set forth herein is essential to the success of this Project because:

i. The relative stability and predictability of the Annual Service Charge (as defined herein) associated with the Project will make it more attractive to financial institutions whose participation is necessary in order to finance the Project.

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ii. The relative stability and predictability of the Annual Service Charge will allow the Redeveloper to offer competitive market rents while providing a high level of maintenance for the Project.

WHEREAS, despite the Redeveloper's investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the Project; and

WHEREAS, the provisions of the Long Term Tax Exemption Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as hereinafter defined) paid by the Redeveloper to the City; and

WHEREAS, the Redeveloper has agreed to make payment of the Annual Service Charge and Administrative Fee to the City; and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances as amended by the Redevelopment Plan and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City seeks to enter into the Financial Agreement, in the form attached hereto as **Exhibit A**, which shall govern the terms of the tax exemption for the Project and the Annual Service Charge to be paid to the City in lieu of conventional taxation; and

WHEREAS, the Governing Body has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law, and has further determined that these are an improvement made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the City, as authorized by the Long Term Tax Exemption Law; and

WHEREAS, the Mayor has submitted the Application and Financial Agreement to the Governing Body with her recommendation for approval (the "**Mayor's Recommendation**"), a copy of which recommendation is on file with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAMBERTVILLE, NEW JERSEY AS FOLLOWS:

1. An exemption from taxation as set forth in the Application is hereby granted to the Redeveloper, with respect to the Project at the Property for the term set forth in the Financial Agreement. The land underlying the Project shall also be exempt from Land Taxes (as defined in the Financial Agreement); provided that in no event shall the tax exemption exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by *N.J.S.A. 40A:20-12*, thirty (30) years from the Redeveloper's receipt of a Certificate of Occupancy for the Project and only so long as the Redeveloper remains subject to and complies with the Financial Agreement and the Long Term Tax Exemption Law and any other agreement related to the Project or the Property; and provided further, that in no event shall the Annual Service Charge, for every year the property tax exemption is in effect, be less than the total taxes levied against the Property in the last full tax year it was subject to taxation.

2. The Mayor, in consultation with counsel to the City, is hereby authorized to execute and/or amend, modify or make such necessary changes to the Application, the Mayor's Recommendation, the Financial Agreement and any other agreements or documents necessary to effectuate this ordinance and the Financial Agreement.

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3. The executed copy of the Financial Agreement and this ordinance shall be certified by the City Clerk and filed with the Tax Assessor for the City and the Director of the Division of Local Government Services.
4. The Project shall conform to all federal and state law and ordinances and regulations of the City relating to its construction and use, including the Redevelopment Plan.
5. The Redeveloper shall comply with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.
6. The Redeveloper shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.
7. The following occurrences are express conditions to the grant of this tax exemption, to be performed by the Redeveloper:
 - (a) The Redeveloper shall not, without prior consent of the City as set forth in the Financial Agreement, convey, mortgage or transfer all or any part of the Project which would sever, disconnect or divide the improvements being tax exempted under the Financial Agreement from the land underlying the exempted improvements.
 - (b) The Redeveloper shall complete the Project within the timeframes set forth in the Redevelopment Agreement.
8. This ordinance shall take effect in accordance with all applicable laws.

EXHIBIT A

Financial Agreement

- b. ORDINANCE NUMBER 30-2021: *An Ordinance to Approve the Lease with Fedway*

ORDINANCE NUMBER 30-2021

An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and Lambertville Canal Properties, LLC/Fedway Associates for use of a Portion of the Property Located at 80 Lambert Lane, First Floor, Unit C (Block 1022, Lot 8).

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; and

WHEREAS, Fedway Associates is the owner of the property shown on the City Tax Maps as Block 1022, Lot 8, commonly known as 80 Lambert Lane (the “**Property**”); and

WHEREAS, Lambertville Canal Properties, LLC, a subsidiary of Fedway Associates (the “**Landlord**”), operates that portion of the Property known as Unit C, located on the first floor of the Property, which space contains approximately 9,365 square feet (the “**Premises**”); and

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WHEREAS, the City wishes to lease the Premises from Landlord for an initial term of five (5) years for use as a police station for the City Police Department, as set forth in the term sheet on file with the City Clerk (the “**Term Sheet**”); and

WHEREAS, Landlord has agreed to paint and install new floors in the Premises prior to commencement of the lease; and

WHEREAS, pursuant to the Term Sheet, the City shall pay to the Landlord base rent to be calculated at \$9.00 per square foot for years one through three, \$10.00 per square foot for year four and \$11.00 per square foot for year five of the initial term of the lease, and the City will have the option to extend the lease for five consecutive one year terms if it deems necessary; and

WHEREAS, the use of the Premises will allow the City to continue to provide essential municipal services for all City residents; and

WHEREAS, the City may lease the Premises from Landlord for a municipal purpose, subject to approval by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, the City desires to lease the Premises from Landlord, in accordance with the lease terms set forth in the Term Sheet.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the lease of the Premises from Landlord, in accordance with the lease terms set forth in the Term Sheet.
3. The Mayor is authorized to execute a lease agreement which incorporates the terms set forth in the Term Sheet, and subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto as described in the Term Sheet.
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 Governing Body, upon approval by the Mayor and publication as required by law.

VI. ORDINANCES FIRST READING - Other

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- a. ORDINANCE NUMBER 27-2021: *An Ordinance to Amend the Affordable Housing Ordinance.*

Ordinance No. 27-2021

Amendments to the Affordable Housing Ordinance

City of Lambertville, Hunterdon County

AN ORDINANCE AMENDING CERTAIN SECTIONS, AS SPECIFIED BELOW, OF THE CITY OF LAMBERTVILLE LAND DEVELOPMENT REVIEW ORDINANCE, ARTICLE XII AFFORDABLE HOUSING, SECTION LDR-1200, "AFFORDABLE HOUSING ORDINANCE," TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very-low-, low-, and moderate-income households; and

WHEREAS the provision of "safe, decent and attractive housing that [very-low-, low-, and moderate-income households] can afford serves the community's interest in achieving an integrated, just and free society and promotes the general welfare of all citizens." De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970); and

WHEREAS notably, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State's Constitution makes it "plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulations." S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS the Court thus found that "each ... municipality [must] affirmatively ... plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries." Ibid.; and

WHEREAS since then, New Jersey's courts have consistently recognized that "[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing ... 'There cannot be the slightest doubt that shelter, along with food, are the most basic human needs.'" Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178); and

WHEREAS the New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State's interest "to maximize

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the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State.” N.J.S.A. 52:27D-302; and

WHEREAS accordingly, the New Jersey Supreme Court has determined that “[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel. 121 N.J. 550, 567 (1990).

NOW THEREFORE BE IT ORDAINED by the Council of the City of Lambertville, Hunterdon County, New Jersey, that the following Sections of Chapter LDR Land Development Review, Article XII Affordable Housing, Section LDR-1200 Affordable Housing Ordinance are hereby amended as specified below, in order to address the City of Lambertville’s constitutional obligation to provide for its fair share of very low-, low- and moderate-income housing, as directed by the Superior Court and consistent with *N.J.A.C. 5:93-1, et seq.*, as amended and supplemented, *N.J.A.C. 5:80-26.1, et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy those units.

SECTION 1: SECTION LDR-1200.6. shall be repealed and replaced as follows:

Section LDR-1200.6 City-wide Mandatory Set-Aside

1.Purpose. The purpose of this mandatory affordable housing set-aside ordinance is two-fold:

a.One, ensure that multi-family residential development or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that results from a rezoning, variance, redevelopment plan, rehabilitation plan, or other zoning or land use incentive produces affordable housing at an appropriate set-aside rate of twenty percent (20%), consistent with applicable law; and

b.Two, ensure consistent with the New Jersey Supreme Court’s directives in Mount Laurel II, that opportunities for affordable housing are captured as land becomes available for development and redevelopment (including as a result of private acquisition or assembly of a tract, fires and the resulting demolition of structures, and redevelopment, either public or private) within the boundaries of the City, which has an unmet need obligation, see S. Burlington Cty. NAACP v. Mount Laurel, 92 N.J. 158, 248 n.21 (1983) (Mount Laurel II) and the Court’s decision with regards to the initial Fairness and Compliance Hearing held before the Court on September 13, 2018 and the Consent Order Approving Amended Settlement and Agreement and Conditional Judgment of Mount Laurel Compliance and Repose entered June 23, 2020, in In the Matter of the City of Lambertville, County of Hunterdon, Docket No. HNT-L-311-15.

2.Applicability of Mandatory Affordable Housing Set-Aside. This mandatory affordable housing set-aside ordinance shall apply as follows:

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a. A minimum affordable housing set-aside of 20% shall be required to be included within a development, except as noted herein, throughout the entirety of the municipality when a multi-family residential, or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre, is created through:

(i) a municipal rezoning permitting multi-family housing where not previously permitted; or

(ii) the granting of a "D" variance pursuant to NJS 40:55D-70.d (e.g., use variance, density variance); or

(iii) a new or amended redevelopment plan or rehabilitation plan.

b. Within the lands between the Delaware River and N.J.S.H. Route 29, any residential development, except as noted herein, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that requires site plan or subdivision approval shall provide a minimum affordable housing set-aside of 20%, to be included within the development.

(i) A developer subject to this mandatory affordable housing set-aside ordinance may request, and the approving authority at its discretion may grant, additional incentives for the production of affordable housing, including but not limited to increased density, an increase in the maximum permitted number of dwelling units within a building, and/or a reduction in the off-street parking spaces otherwise required.

3. Exemptions. This mandatory affordable housing set-aside ordinance shall not apply to sites already zoned for inclusionary residential development with an affordable housing set-aside or for which an inclusionary residential redevelopment plan has been adopted consistent with the City's Court-approved Housing Plan Element and Fair Share Plan, adopted in accordance with the settlement agreement with Fair Share Housing Center, which sites shall comply with the applicable adopted zoning.

4. Other Terms Applicable. The following terms shall apply to Lambertville's mandatory affordable housing set-aside ordinance:

a. All subdivision and site plan approvals of qualifying developments identified in §1200-6.2.a and §1200-6.2.b shall be conditioned upon compliance with the provisions of this mandatory affordable housing set-aside ordinance.

~~5~~.b. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units just below the threshold.

c. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. The developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5.

d. All affordable units created shall fully comply with Chapter LDR Land Development Review, Article XII Affordable Housing, Sections LDR-1200.7 through LDR-1200.25.

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e. This requirement shall not give any developer the right to any such rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the City to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.

f. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph c, above.

SECTION 2: SECTION 1200-9 shall be amended to read as follows (additions in **bold** and deletions in ~~strikethrough~~):

Section LDR-1200-9 New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. **All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”).**

ab. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least ~~13 percent~~ **thirteen percent (13%)** of all restricted rental units shall be very low income units (affordable to a household earning ~~30 percent~~ **thirty percent (30%)** or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.

c. **At least 50% of the affordable units in each bedroom category (1BR, 2BR and 3 BR) within a development shall be affordable to low-income households, inclusive of at least thirteen percent (13%) of units affordable to very-low-income households.**

bd. ~~In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low income units.~~ **In each development that includes affordable housing, thirteen percent (13%) of the restricted units overall shall be very low-income units, and these very low-income units shall be counted toward the fifty percent (50%) low-income requirement. The very low-income units shall be provided as follows: in developments that produce one (1) very low-income unit, the very low-income unit shall be a two- or three-bedroom unit; in developments that produce two (2) very low-income units, no more than one (1) of the very low-income units may be a one-bedroom unit; and in developments that produce three (3) or more very low-income units, an equal number of very low-income units shall be provided within each**

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bedroom distribution, and any additional very-low-income units shall be two- or three-bedroom units.

ee. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total **very low-**, low- and moderate-income units;
- 2) At least 30 percent of all **very low-**, low- and moderate-income units shall be two bedroom units;
- 3) At least 20 percent of all **very low-**, low- and moderate-income units shall be three bedroom units; and
- 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

ef. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted **very low-**, low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, *N.J.A.C. 5:23-7* and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A. 52:27D-311a, et seq.*) and the Barrier Free SubCode, *N.J.A.C. 5:23-7*, or evidence that the City has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

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a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the City of Lambertville's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6)b) above shall be used by the City of Lambertville for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made to the City's Affordable Housing Trust Fund in care of the City's Director of Finance, or their designee, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

7) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, *N.J.A.C. 5:23-7*.

3. Design:

a. In inclusionary developments, to the **greatest** extent possible, **very low-**, low- and moderate-income units shall be integrated with the market units, **and the affordable units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units so they are not situated so as to be in less desirable locations than the other units in the development. In buildings with multi-family dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units.**

b. In inclusionary developments, **very low-**, low- and moderate-income ~~units~~ **residents** shall have **full and equal** access to all of the ~~same common elements and facilities~~ **amenities, common areas, recreation areas and facilities, public facilities, public transportation, and shopping facilities as do the residents of** as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits

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published by HUD and the calculation procedures as approved by the Court and detailed herein.

1) “Regional income ~~units~~ **limits** shall be established for the region that the City is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the City's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.”²

2) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by Lambertville annually by taking the percentage increase of the income limits calculated pursuant to paragraph 1) over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

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e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household;
and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the

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Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

SECTION 3: SECTION 1200-21 shall be amended to read as follows (additions in **bold** and deletions in ~~striketrough~~):

Section LDR-1200-21 Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City and the provisions of *N.J.A.C. 5:80-26.15*; and **applicable law. The affirmative marketing shall include the community and regional organizations included in the City's approved Affirmative Marketing Plan and identified in the January 29, 2020 Settlement Agreement with Fair Share Housing Center, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law; and**

b. Providing counseling or contracting to provide counseling services to **very low-**, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

SECTION 4: SECTION 1200-24.9 shall be amended to read as follows (additions in **bold** and deletions in ~~striketrough~~):

9. Ongoing Collection and Expenditure of Fees:

a. The ability for the City of Lambertville to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless the City of Lambertville has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the Court's approval of its development fee ordinance. If the City of Lambertville fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The City of Lambertville shall not impose a residential development fee on a development that receives preliminary or final site plan approval

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after the expiration of its Judgment Compliance and Repose, nor shall the City of Lambertville retroactively impose a development fee on such a development. The City of Lambertville shall not expend development fees after the expiration of its Judgment Compliance and Repose.

b. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

SECTION 5: A copy of this ordinance shall be referred to the Lambertville Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

SECTION 6: If any article, section, paragraph, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

SECTION 7: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the City of Lambertville, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

SECTION 8: This ordinance shall take effect upon its passage and publication, filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

SECTION 9. The provisions of this Ordinance shall be applicable within the entire City of Lambertville upon final adoption and shall become a part of the Lambertville Code once completed and adopted.

b. ORDINANCE NUMBER 31-2021: A Bond Ordinance Providing for Improvements to Various City Infrastructure and Buildings Damaged by Hurricane Ida in and by the City of Lambertville, in the County of Hunterdon, New Jersey, Appropriating \$430,000.00 Therefor and Authorizing the Issuance of \$409,500.00 Bonds or Notes of the City to Finance Part of the Cost Thereof.

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS
CITY INFRASTRUCTURE AND BUILDINGS DAMAGED BY
HURRICANE IDA IN AND BY THE CITY OF LAMBERTVILLE, IN THE
COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$430,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$409,500 BONDS
OR NOTES OF THE TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey

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(the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$430,000, including the sum of \$20,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$409,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to various City infrastructure and buildings damaged by Hurricane Ida, as set forth in a list on file in the office of the City Clerk, which list includes, but is not limited to, improvements to water infrastructure, stream, roadway and sidewalk stabilization and improvements, inlet improvements and improvements to the Justice Center, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

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(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$409,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

- c. ORDINANCE NUMBER 32-2021: *An Ordinance to Amend the City of Lambertville's Land Use Ordinance to Include Section 903, Designation of Historic Landmarks and Historic Districts.*

ORDINANCE NUMBER 32-2021

An Ordinance to Amend the City of Lambertville's Land Use Ordinance to Include Section 903, Designation of Historic Landmarks and Historic Districts.

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AS REVISED 11-23-2021

WHEREAS, the Historic Preservation Commission of the City of Lambertville has recommended the adoption of an ordinance of the City of Lambertville for landmark designation and historic district designation for any building, structures, objects, sites and districts within the City of Lambertville; and

WHEREAS, by designating historic districts and landmark designations, property owners and the City will be able to apply for grant funding to assist with maintenance of the designation.

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 section 903, Designation of historic landmarks and historic districts as introduced on December 2, 2021, sent to Planning Board for review as to consistency with the Master Plan, and will have a public hearing for adoption at the December 16, 2021 session of the governing body.

§ LDR-903 DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS.

The Historic Preservation Commission (the "Commission") shall consider for landmark designation and historic district designation any property, building, structure, natural object or site and districts within the City of Lambertville which merit individual landmark and historic district designation and protection, possessing integrity of location, design, setting, materials, workmanship or association; and being:

- a. Of particular historic significance to the City of Lambertville by reflecting or exemplifying the broad cultural, political, economic, agricultural or social history of the nation, state, or community;
- b. Associated with historic personages important in national, state, or local history;
- c. The site of a historic event which had a significant effect on the development of the nation, state, or community;
- d. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering;
- e. Representative of the work of an important builder, designer, artist or architect;
- f. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation;
- g. Able or likely to yield information important in prehistory or history.

§ LDR-903.2 DEFINITIONS

Historic Landmark: A property, building, structure, natural object or site designated as a landmark by ordinance of the City Council, pursuant to procedures prescribed in this title, that is worthy of rehabilitation, restoration and preservation because of its historic or architectural significance to the City of Lambertville.

Historic District: An area designated as a historic district by ordinance of the City Council, and which may contain within definable geographic boundaries, one or more landmarks and which may have within its boundaries other or structures that, while not of such

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historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall historic or architectural characteristics of the historic district.

§ LDR-903.3 PROCESS TO DESIGNATE HISTORIC LANDMARK AND HISTORIC DISTRICT

- 1) Based on its review, or upon the recommendation of other municipal bodies of the City or of concerned citizens, the Commission may make a list of additional individual buildings and structures and collections of buildings and structures recognized as a district recommended for designation as landmarks and historic districts. For each landmark and historic district, there shall be a brief description of the landmark and district, of the landmarks and district's significance pursuant to the criteria in N.J.A.C. 7:4-2.3. The Commission shall, by certified mail:
 - a. Notify each owner that his/her/its property is being considered for Historic Landmark designation or inclusion in a Historic District and the reasons therefor.
 - i. If the owner objects to such consideration, the owner shall, within 30 days of receipt of such notice, provide such notice in writing to the Commission, for removal from consideration.
 - ii. If the Commission does not receive a response from the property owner within 30 days of the first notice, the Commission shall not proceed with the designation until such time that the property owner consents to the designation.
 - iii. In no case shall the Commission place a property on the list of landmark and/or Historic District designation without the property owner's consent.
 - b. Advise each owner of the significance and consequences of such designation;
 - c. Notify each owner of the public meeting to be held in accordance with *N.J.S.A. 10:4-6, et seq.*
- 2) Historic Preservation Commission Consideration of Recommendation
 - a. The list of potential additional Historic Landmarks and Historic Districts as well as the description, significance, location, boundaries, and map siting of each shall be subject to review at a Commission public hearing.
 - b. At least 10 days before such a hearing, a preliminary list and a map showing proposed additional landmarks and district boundaries shall be published, together with notice of the hearing in an official newspaper of the municipality and posted on the City's website, at City Hall and distributed electronically via City communication.
 - c. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for designation.
 - d. The Commission shall then prepare a concise report, including a list and a map of its recommendations for sites to be designed as Historic Landmarks or Historic Districts.
 - e. Copies of the report shall be delivered to the City of Lambertville City Council, the Planning Board and the City Clerk, and a notice of the action published by the Commission secretary in an official newspaper of the municipality.
- 3) The published notice shall state the Commission's recommendations and also that final designation shall be made by the City Council at a public hearing specified on a date not less than 15 nor more than 45 days from the date of publication.
- 4) The City Council shall then consider the designation list and map and may approve, reject, or modify same by ordinance. Once adopted, the designation list and map shall also be incorporated by reference into the City's Master Plan and Zoning Ordinance, as required by the Municipal Land Use Law.

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5) Copies of the designation list and Historic District map as adopted shall be made public and distributed to all City agencies reviewing development applications and construction permits. A certificate of designation shall be served by certified and regular mail upon each owner included on the list, and a true copy thereof shall be filed with the County Clerk for recording in the same manner as a certificate of lien upon real property.

INTRODUCTION AND FIRST READING: December 2, 2021

PUBLIC HEARING AND SECOND READING: December 16, 2021

VII. PUBLIC COMMENT

VIII. CLOSED SESSION: Closed Session of the Governing Body of the December 2, 2021 Lambertville City Council Meeting to discuss Attorney/Client Issues related to Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the December 2, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Issues Related to 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 2, 2021, held in the All-Purpose Room of the Lambertville Public School, to discuss attorney/client issues related to 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:

Mayor Fahl 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 Fahl 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.

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IX. ADJOURNMENT