



City of Lambertville
VOTING SESSION
THURSDAY, OCTOBER 28, 2021, 7:00 PM
ALL PURPOSE ROOM, LAMBERTVILLE PUBLIC SCHOOL
200 NORTH MAIN STREET, LAMBERTVILLE
AGENDA

I. COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

This meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided on Monday, January 11, 2021 to the Hunterdon County Democrat, the Trenton Times, various individuals on the list serve, department heads and the City Engineer and City Attorney.

This meeting will be recorded using Zoom.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

II. ROLL CALL

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

III. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

IV. RESOLUTION AUTHORIZING THE MEMORANDUM OF AGREEMENT/UNDERSTANDING WITH SHRSB FOR THE CLASS III OFFICER

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of NJ that the Mayor, City Attorney and City Clerk are hereby authorized to sign the agreement with the South Hunterdon Regional School District for the placement of a Class III Officer in the Elementary School located at 200 North Main Street for a term of 1-year from the signing of the agreement.

ADOPTED:

V. MINUTES

- a. September 23, 2021 Voting Session Minutes
- b. September 23, 2021 Closed Session Minutes
- c. October 5, 2021 Work Session Minutes
- d. October 5, 2021 Closed Session Minutes
- e. October 14, 2021 Closed Session Minutes
- f. October 14, 2021 Special Session Minutes
- g. October 19, 2021 Special Session Minutes
- h. October 19, 2021 Closed Session Minutes

VI. RESOLUTIONS

PUBLIC HEARING:

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- a. RESOLUTION NUMBER 124-2021: *A Resolution to Authorize the Person-to-Person Transfer of the Retail Liquor License from Targa Investment's to Genesis Investment Properties.*

City of Lambertville

RESOLUTION NUMBER 124-2021

A Resolution to Authorize the City Clerk to Sign the Person-to-Person Transfer of Liquor License Number 1017-33-007-004 from Targa Investment's to Genesis Investment Properties

WHEREAS, an application has been filed by Genesis Investment Properties for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1017-33-007-004, heretofore issued to DeAnna's of Lambertville LLC. for premises located at 54 North Franklin Street, 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 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 Genesis Investment Properties 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 XXXX (insert date) to Genesis Investment Properties for premises located at 11 Bridge Street, Lambertville."

ADOPTED: XXXX

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

- b. RESOLUTION NUMBER 134-2021: *A Resolution to Authorize Refunds for a Garbage Permit to Alicia Higgins, 55 Coryell Street in the Amount of \$15.00 for an Air Conditioner that the city does not Pick-up; Michael Topley for Certified Copies Ordered in the Wrong Municipality in the Amount of \$30.00, and Heather Atkinson for Escrow in the Amount of \$760.50.*

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NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon that the following reimbursements are hereby approved:

Alicia Higgins of 55 Coryell Street in the amount of \$55.00 for an air conditioner that is not included in the items available for pick-up and recycling;

Michael Topley for two certified copies of a marriage license filed in the wrong municipality in the amount of \$30.00; and

Heather Atkinson to refund escrow balance in the amount of \$760.50.

Adopted: October 21, 2021

b. RESOLUTION NUMBER 135-2021: A Salary & Wage Resolution

City of Lambertville
RESOLUTION NUMBER 135-2021

Establishing the 2021 Salary and Wages for Officials and Employees of the City of Lambertville

WHEREAS, Ordinance Number 19-2021, established salary ranges for officials and employees of the City of Lambertville; and

WHEREAS, the 2021 calendar year budget included a 2% raise for non-union employees who have been working for the City of Lambertville consistently for more than 1 year; and

WHEREAS, the 2021 calendar year budget was formally adopted by the Mayor and Council of the City of Lambertville in the County of Hunterdon on Thursday, August 19, 2021; and

WHEREAS, it is necessary to establish specific salary for specific positions;

NOW THEREFORE BE IT RESOLVED that the following salaries are established:

Employee Name 2021 pay rate

COUNCIL MEMBERS:

| | |
|-------------------|---------------------|
| Julia Fahl | Stipend \$ 8,000.00 |
| Benedetta Lambert | Stipend \$ 1,100.00 |
| Ward Sanders | Stipend \$ 1,100.00 |
| Steven Stegman | Stipend \$ 1,100.00 |
| Julia Taylor | Stipend \$ 3,200.00 |

STAFF:

Michael Humphrey, Deputy Clerk & Technology Specialist

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Salary \$55,000.00 (effective 8/1/2021)

\$60,000 (effective 11/1/2021 with the full
implementation of SDL)

Cynthia L. Ege, City Clerk Salary \$ 82,901.42

Susan Bacorn, Deputy Treasurer Salary \$ 51,346.93

Susan Bacorn, PACO Salary - \$5,000.00 (effective 8/1/2021)

Chris Battaglia Salary

CMFO \$24,000.00

QPA \$2,500.00

TAX OFFICE:

Cynthia McBride, Tax Collector Salary \$ 17,233.48

Richard Carmosino, Tax Assessor Salary \$ 35,124.59

CONSTRUCTION:

Tim Dieterman, Plumbing Subcode, Salary \$ 14,922.75

Crystal Lawton, Planning Board Secretary Salary \$ 7,957.44

Crystal Lawton, Zoning Board Secretary Salary \$ 4,019.66

Crystal Lawton, TACO Salary \$ 34,738.66

Kenneth Rogers, Subcode Official Salary \$ 41,624.40

Keith Steele Salary \$ 11,776.97

Frank D'Amore, Fire Official Salary \$ 24,628.13

Frank D'Amore, Zoning Officer/Lambertville Salary \$ 7,413.89

Frank D'Amore, Zoning/Frenchtown Salary \$ 3,180.67

Kenneth Rogers, Fire Subcode Salary \$ 6,094.07

POLICE CIVILIAN:

Eric Sullivan, Class II Special FT Salary \$32,240.00

Tara Barlow, Matron/PT Hourly \$ 13.50

Vernon Barlow, Crossing Guard Hourly \$ 14.37

Kelly Kascik, Police Secretary/FT Salary \$ 40,000.00

Michael Vecchio, Parking Enforcement/FT Salary \$ 38,216.12

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Stephen Balaity, Parking Enforcement/PT Hourly \$15.30

Miles Smith, Parking Enforcement/PT Hourly \$ 15.00

Class III Hourly \$ 25.50 (set by the School District)

PUBLIC WORKS:

David Kerr Salary \$46,440.51

Stephen Bartzak Salary \$33,945.60

John Ott Salary \$ 31,200.00

Lester Myers, Jr. Salary \$ 67,830.00

Robbin Worthington Salary - \$47,641.25

Fred Bair Salary \$31,200.00

Nathan Benitez Hourly \$12.50

Solid Waste Laborer Hourly \$12.50 (Vacant)

Solid Waste Laborer Hourly \$12.50 (Vacant)

Solid Waste Laborer Hourly \$12.50 (Vacant)

NOTE: January 1 the minimum wage increases to \$13.00 per hour

OTHER:

Helen Kuhl, Public Assistance Director Salary \$ 17,031.66

Lara M. Harris, Historic Preservation Secretary Salary \$ 1,194.84

COURT:

Sally Lelie Hourly \$18.00

William Mennen Salary \$ 15,000.00

Patricia Wozniak Salary \$ 51,892.21

BE IT FURTHER RESOLVED that this resolution shall be retroactive to January 1, 2021.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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- c. RESOLUTION NUMBER 136-2021: A Letter Authorizing the Signers on the Lambertville Emergency Fund.

“Authorizing Signatures on City Bank Accounts”

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon, in the State of New Jersey, that the following signatories are here by authorized:

Lambertville Emergency Fund:

Helen T. Kuhl, Public Assistance Director or Cynthia Ege, City Clerk

- d. RESOLUTION NUMBER 137-2021: A Resolution to Request an Extension for the 2020 Road Projects Grant from DOT.

WHEREAS, the City of Lambertville was awarded a grant by the State of New Jersey, Department of Transportation for the reconstruction of the following roadways:

WHEREAS, the impact from COVID19 caused a scheduling delay with the required meetings with staff members; and

WHEREAS, Tropical Storm Ida heavily impacted the City on September 1, 2021 and caused damages to roadways, the Phillip L. Pittore Justice Center, waterways, and the city's infrastructure; and

WHEREAS, the need for the City's engineer to focus on these important and emergent needs was required; and

WHEREAS, the city recognizes the need to apply for an extension due to the declaration of a state of emergency for both occurrences by the Governor of the State of New Jersey.

NOW THEREFORE BE IT RESOLVED by the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Governing Body hereby respectfully requests an extension of time to complete the MA2020 Road Project which is partially funded by the State of New Jersey Department of Transportation.

ADOPTED: October 21, 2021

- e. RESOLUTION NUMBER 138-2021: A Resolution to Cancel the taxes for Block 1002, Lot 41, 260 North Main Street, for Quarter 3 and 4.

WHEREAS, the City of Lambertville purchased 260 North Main Street, block 1002, Lot 41 in May of 2021, and

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WHEREAS, there is a need to cancel third and fourth quarter property taxes from the City's records.

NOW THEREFORE BE IT RESOVLED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the property taxes for third and fourth quarter 2021, and all future records should be changed to reflect the city's ownership, is hereby authorized.

ADOPTED: October 21, 2021

- f. RESOLUTION NUMBER 139-2021: A Resolution to Reflect the Totally Disabled Veteran Allowance as of April 14, 2021 in the Amount of \$9,145.18 for Block 1002.04, Lot 9, 500 Titus Road.*

WHEREAS, the Tax Assessor approved the disabled veteran application for block 1002.04, lot 9, 500 Titus Road on April 14, 2021; and

WHEREAS, the Tax Collector has advised of the need of a resolution of the governing body authorizing the cancellation of taxes in the amount of \$9,145.18 for the 2021 calendar year.

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 property taxes due for block 1002.04, lot 9 in the amount of \$9,145.18 is hereby cancelled.

ADOPTED: October 21, 2021

- g. RESOLUTION NUMBER 140-2021: A Resolution to Refund an Overpayment of Taxes for a Total Disabled Veteran in the Amount of \$5,997.21, for Block 1002.04, Lot 9 500 Titus Road.*

WHEREAS, the Tax Assessor approved the disabled veteran application for block 1002.04, lot 9, 500 Titus Road on April 14, 2021; and

WHEREAS, the property owner is due a refund in the amount of \$5,997.21 for taxes paid in 2021.

NOW THEREFORE BE IT RESOVLED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the property owner of block 1002.04, lot 9, 500 Titus Road, Jean and John Churchill, in the amount of \$5,997.21 is hereby authorized.

ADOPTED: October 21, 2021

- i. RESOLUTION NUMBER 141-2021: A Resolution to Accept the 2020 Audit Prepared by Mercadien P.C.*

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GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the City of Lambertville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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ADOPTED: October 21, 2021

- j. **RESOLUTION NUMBER 142-2021:** *A Resolution to Adopt the Correction Plan for the 2020 Audit as Prepared by the Certified Municipal Finance Officer.*

RESOLUTION NUMBER 142-2021

A Resolution to Adopt the 2019 Corrective Action Plan for the Audit

WHEREAS, the 2020 Audit of the City of Lambertville's financials was completed by Mercadien on October 30, 2020, and

WHEREAS, the Governing Body accepted the Audit on October 21, 2021; and

WHEREAS, the synopsis was published in the October 28, 2021 edition of the Trenton Times; and

WHEREAS, the Certified Municipal Finance Officer completed the Corrective Action Plan and submitted it for Governing Body approval at the October 21, 2021 session.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the Corrective Action Plan for the 2020 Audit completed by the Certified Municipal Finance Officer is hereby adopted; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file the Corrective Action Plan with the State of New Jersey, Department of Local Government Services.

ADOPTED: October 21, 2021

- k. **RESOLUTION NUMBER 143-2021:** *A Resolution to Authorize the Redemption of a Tax Lien for Block 1007, Lot 25 in the Amount of \$9,048.87*

RESOLUTION 143-2021

A Resolution Authorizing the Redemption of a Tax Lien for Block 1007, Lot 25 In the Amount of \$9,048.87

WHEREAS, Tax Lien Certificate 20-00004 issued on Block 1007 Lot 25 was sold to DSHC Enterprises LLC, PO BOX 524, Plainsboro, NJ 08536 on 10/19/20 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from a Title Company

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to DSHC Enterprises LLC, PO BOX 524, Plainsboro, NJ 08536 for the redemption of tax lien certificate #20-00004 in the amount of: \$9048.87

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ADOPTED: October 21, 2021

End of consent agenda

RESOLUTION NUMBER 144-2021: *A Resolution of the City of Lambertville, County of Hunterdon, Directing the City Planning Board to Conduct a Preliminary Investigation to determine Whether Block 1004, Lot 3, (Village Apartments), Or Any Part Thereof is an Area in Need of Redevelopment as Defined in N.J.S.A. 40A:12-6.*

CITY OF LAMBERTVILLE

RESOLUTION NUMBER 144-2021

A RESOLUTION OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, DIRECTING THE CITY PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 1004, LOT 3 (VILLAGE APARTMENTS), OR ANY PART THEREOF IS AN AREA IN NEED OF REDEVELOPMENT AS DEFINED IN N.J.S.A. 40A:12-6

WHEREAS, the governing body of the City of Lambertville (the “**City**”) seeks to undertake a redevelopment effort within the city; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Governing Body of the City of Lambertville (the “**Governing Body**”) considers it to be in the best interest of the City to have the City’s Planning Board conduct such an investigation regarding **BLOCK 1004, LOT 3**, which parcel is currently owned by Lambertville Village Realty, as described and delineated on the official Tax Map of the City of Lambertville (the “**Property**”); and

WHEREAS, such preliminary investigation will be designed to evaluate such area to determine whether designation of the Property as an “area in need of redevelopment” is in conformance with statutory criteria and the City’s efforts toward redevelopment, pursuant to the Master Plan; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the City and Governing Body to use all those powers provided by the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1, *et seq.*, for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “**Condemnation Redevelopment Area**”).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, that:

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Section 1. The Planning Board of the City of Lambertville is hereby directed to conduct a preliminary investigation to determine whether the Property is a Condemnation Redevelopment Area according to the criterion set forth in *N.J.S.A. 40A:12A-5*.

Section 2. The Planning Board of the City of Lambertville is hereby directed to study the Property, to develop a map showing the boundaries of the proposed Condemnation Redevelopment Area, to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6* and to draft a report and resolution containing its findings.

Section 3. Pursuant to *N.J.S.A. 40A:12A-6*, the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the use of eminent domain, as to the Property within the Condemnation Redevelopment Area.

Section 4. The results of such preliminary investigation shall be submitted to the Governing Body for review and approval in accordance with the provisions of the Local Housing and Redevelopment Law, *N.J.S.A. 40A:12A-1, et seq.*

Section 5. This resolution shall take effect as provided by applicable law.

ADOPTED at a meeting of the Governing Body of the City of Lambertville, Hunterdon County, on October 21, 2021;

RESOLUTION NUMBER 145-2021: *A Resolution to Authorize the Contract with Clarke Caton Hintz for the Preliminary Investigation of an Area in Need of Redevelopment, Block 1004, Lot 3 in an amount not to exceed \$7,500.00 funded through Three Bond Ordinances, 03-2020, 04-2020 and 11-2020.*

VII. BILLS LIST

VIII. ORDINANCE FIRST READING AND INTRODUCTION

ORDINANCE NUMBER 22-2021: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 19-2, to Definitions, Establishing a Definition for “Repetitive Loss Property, and Section 19-5, Provisions for Flood Hazard Reduction, Within the City’s Flood Damage Prevention Ordinance*

ORDINANCE NUMBER 22-2021

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 19, Flood Damage Prevention, Section 19-2, Definitions, Establishing a Definition for “Repetitive Loss Property, and Section 19-5, Provisions for Flood Hazard Reduction, Within the City’s Flood Damage Prevention Ordinance

WHEREAS, the Governing Body recognizes that flood hazard areas of City of Lambertville (the “City”) are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

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WHEREAS, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas; and

WHEREAS, the City participates as a Community in the FEMA National Flood Insurance Program and the Community Rating System; and

WHEREAS, to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas, the City adopted a Flood Damage Prevention ordinance; and

WHEREAS, the Governing Body desires to amend the Flood Damage Prevention ordinance, specifically, Chapter 19-2, "Definitions," to formally define "Repetitive Loss Property," and Chapter 19-5, Provisions for Flood Hazard Reduction, within the ordinance; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that Chapter 19, Flood Damage Prevention, Section 19-2, Definitions, and Chapter 19-5, Provisions for Flood Hazard Reduction, to include the following language (additions underlined, deletions in [brackets]):

Section 19-2 DEFINITIONS

...

REPETITIVE LOSS PROPERTY

Shall mean any insurable building for which two or more claims of more than \$1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A repetitive loss property may or may not be currently insured by the NFIP.

...

Section 19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 19-5.1 General Standards.

In all areas of special flood hazards the following standards are required:

a. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement.

Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in

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addition to applicable state and local anchoring requirements for resisting wind forces.

b. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. For all new construction, substantial improvement and repetitive loss properties (where technically feasible), the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service

facilities shall
from entering
conditions of
Flood Elevation.

be **[designed and/or located so as to prevent water or accumulating within the components during flooding] elevated to two (2) feet above the Base**

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

e. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize

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hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

INTRODUCTION AND FIRST READING: October 21, 2021

PUBLIC HEARING AND SECOND READING: November 18, 2021

ORDINANCE NUMBER 23-2021: *An Ordinance to Amend the City of Lambertville's Land use Ordinance to Include Section 903, Designation of Historic Landmarks and Historic Districts.*

City of Lambertville

Ordinance Number 23-2021

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

§ LDR-903 Designation of historic landmarks and historic districts.

A. The Historic Preservation Commission ("the Commission") shall consider for landmark designation and historic district designation any building(s), structure(s), objects, sites 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:

1. 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; or
2. Associated with historic personages important in national, state, or local history; or
3. The site of a historic event which had a significant effect on the development of the nation, state, or community; or

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4. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering; or

5. Representative of the work of an important builder, designer, artist or architect; or

6. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

7. Able or likely to yield information important in prehistory or history.

B. Based on its review or upon the recommendation of other municipal bodies 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 §XXX-XX A. The Commission shall, by certified mail:

1. Notify each owner that his/her/its property is being considered for historic landmark designation or inclusion in an historic district and the reasons therefor;

2. Advise each owner of the significance and consequences of such designation, and advise him/her of their opportunities and rights to challenge or contest such designation;

3. Notify each owner of the public meeting to be held in accordance with §XXX-XX C.

C. The list of potential additional 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. 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. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for landmark and historic district designation. The Commission shall then prepare a concise report, including a list and a map of its recommendations for sites to be designed as local landmarks. 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. 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. The City Council shall then consider the designation list and map and may approve, reject, or modify same by ordinance. Once

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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.

D. 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. E. Definitions: As used in this section, the following terms shall have the meaning indicated.

1. Historic Landmark: A property, structure or natural object 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.

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

INTRODUCTION AND FIRST READING: October 21, 2021

PUBLIC HEARING AND SECOND READING: November 18-2021

IX. ORDINANCE SECOND READING AND PUBLIC HEARING
ORDINANCE NUMBER 20-2021: *An Ordinance to Repeal and Replace Ordinance Number 16-2018, Staff Handbook and Policies and Procedures Manual for Non-Union Employees of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey.*

ORDINANCE NUMBER 20-2021

*An Ordinance of the City of Lambertville, County of Hunterdon, New Jersey
Establishing Procedures to Adopt Personnel Practices and Authorizing the Mayor to
Implement Said Practices with All Officials, Appointees, Employees, Prospective
Employees, Volunteers, and Independent Contractors of the City*

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey that:

Section 1. The City of Lambertville (the “City”) shall by ordinance establish titles for public employment by the City and salary ranges for City employees. Said titles shall conform to the New Jersey Civil Service Act and regulations promulgated by the New Jersey State Department of Personnel.

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Section 2. The City shall by resolution adopt and amend from time-to-time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the City.

Section 3. As per the Lambertville Municipal Code (the “**Code**”), Chapter 2, the mayor shall be responsible for implementing and enforcing the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 4. Section 3-10 of the Code is hereby repealed.

Section 5. This ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCTION AND FIRST READING: September 23, 2021

PUBLIC HEARING AND SECOND READING: October 21, 2021

ORDINANCE NUMBER 21-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Police Regulations, To Add Section 4-17, Abandoned Property Rehabilitation Ordinance, Allowing the City of Lambertville to Establish Regulations for Properties Determined to be Abandoned.

ORDINANCE NUMBER 21-2021

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Police Regulations, To Add Section 4-17, Abandoned Property Rehabilitation Ordinance, Allowing the City of Lambertville to Establish Regulations for Properties Determined to be Abandoned

WHEREAS, abandoned properties, particularly those located within close proximity to occupied residences and businesses, create a wide range of problems for the communities in which they are located, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

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WHEREAS, for these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties; and

WHEREAS, the responsibility of a property owner to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and 'demolition by neglect', leading to the deterioration and loss of the property, or failure by an owner to comply with legitimate orders to demolish, stabilize or otherwise repair his or her property creates a presumption that the owner has abandoned the property; and

WHEREAS, many abandoned buildings still have potential value for residential and other uses and such buildings should be preserved rather than demolished, wherever feasible, particularly buildings that have historic or architectural value, or contribute to maintaining the character of neighborhoods or streetscapes, or both, as the case may be.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that Chapter 4, Police Regulations, be hereby amended to include Section 4-17, Abandoned Properties Rehabilitation Ordinance, and more specifically, the following language:

Chapter 4-17 - ABANDONED PROPERTIES REHABILITATION ORDINANCE

Section 4-17.1 - Findings and declarations.

In accordance with the provisions of N.J.S.A. 55:19-79, the Governing Body of the City of Lambertville finds and declares that:

- A. Abandoned properties, particularly those located within urban areas or in close proximity to occupied residences and businesses, create a wide range of problems for the communities in which they are located, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas.
- B. Abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization.
- C. For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.
- D. The responsibility of a property owner to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and 'demolition by neglect', leading to the deterioration and loss of the property, or failure by an owner to comply with legitimate orders to demolish, stabilize or otherwise repair his or her property creates a presumption that the owner has abandoned the property.
- E. Many abandoned buildings still have potential value for residential and other uses and such buildings should be preserved rather than demolished, wherever feasible, particularly buildings that have historic or architectural value, or contribute to maintaining the character of neighborhoods or streetscapes, or both, as the case may be.



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Section 4-17.2 - Definitions.

As used in this chapter:

"Abandoned property" means any property that is determined to be abandoned pursuant to the provisions of Section 4-17.4.

"Abandoned property list" means a list of properties identified by the public officer, designated pursuant to N.J.S.A. 40:48-2.5, to establish and maintain a list of properties that contains the tax block and lot number, the name of the owner of record, if known, and the street address of the lot, pursuant to the provisions of N.J.S.A. 55:19-55.

"Department" means the New Jersey Department of Community Affairs.

"Lienholder" or "mortgage holder" means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

"Municipality" means the City of Lambertville and shall include a qualified rehabilitation entity that may be designated by the City of Lambertville pursuant to Section 4-17.13 herein to act as its agent to exercise any of the City of Lambertville's rights pursuant thereto.

"Owner" means the holder or holders of title to an abandoned property.

"Property" means any building or structure and the land appurtenant thereto.

"Public officer" means the person designated by the mayor of the City of Lambertville, pursuant to section N.J.S.A. 40:48-2.4, or any officer of the City of Lambertville qualified to carry out the responsibilities set forth under the provisions of this chapter and as designated by the mayor.

"Qualified rehabilitation entity" means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in this chapter to carry out the rehabilitation of vacant buildings in urban areas.

"Vacant property" means any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

Section 4-17.3 - Designation and power of public officer; abandoned properties report; establishment, notice and updates to abandoned property list.

- A. Pursuant to the provisions of N.J.S.A. 55:19-55, the public officer is hereby directed to identify abandoned properties within the City of Lambertville, and provide such notices and carry out such tasks as are required to effectuate an abandoned property list as provided by law.
- B. The public officer shall provide a report to the mayor every six months with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the City of Lambertville or by any qualified rehabilitation entity,

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designated pursuant to the authority granted the public officer, with respect to any property on the list or any other abandoned property with the City of Lambertville.

- C. The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the City of Lambertville, which publication shall constitute public notice and, within ten (10) days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection (d) of N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in N.J.S.A. 55:19-54 and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situated. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the City of Lambertville as plaintiff, as though an action had been commenced by the City of Lambertville against the owner.
- D. The City of Lambertville may add properties to the abandoned property list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in Section 4-17.28.

Section 4-17.4 - Abandoned property; criteria.

Except as provided in Section 4-17.5, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- A. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- B. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- C. At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
- D. The property has been determined to be a nuisance by the public officer in accordance with Section 4-17.5.

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A property which contains both residential and non-residential space may be considered abandoned pursuant to the criteria set forth in this chapter so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection A or subsection D of this section.

Section 4-17.5 - Nuisance property; criteria.

A property may be determined to be a nuisance if:

- A. The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
- B. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- C. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the City of Lambertville has secured the property in order to prevent such hazards after the owner has failed to do so;
- D. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- E. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

The public officer who determines a property to be a nuisance pursuant to subsections B through E of this section shall follow the notification procedures set forth in N.J.S.A. 40:48-2.3 et seq.

Section 4-17.6 - Property deemed not abandoned; criteria; certification of abandonment provided upon request.

- A. If an entity other than the City of Lambertville has purchased or taken assignment from the City of Lambertville of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be deemed abandoned and placed on the abandoned property if: (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to the provisions of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- B. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in Section 4-17.4.

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- C. A determination that a property is abandoned property under the provisions of this chapter shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
- D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to N.J.S.A. 54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned property according to the criteria set forth in Sections 4-17.4 and 4-17.5.

Section 4-17.7 - Action to transfer possession and control of abandoned property.

A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the City of Lambertville may be brought by the City of Lambertville or its designee in the Superior Court Law Division. If the court shall find that the property is abandoned pursuant to the provisions of Section 4-17.4 and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the City of Lambertville to take possession and control of the property and develop a rehabilitation plan.

Upon the court granting possession and control of the property to the City of Lambertville, the city may thereafter commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in Section 4-17.16.

Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the City of Lambertville, or to obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within that six-month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

Section 4-17.8 - Filing of complaint; required information.

A complaint filed pursuant to Section 4-17.7 shall include the following:

- A. Documentation that the property is on the City of Lambertville abandoned property list or a certification by the public officer that the property is abandoned; and
- B. A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

Section 4-17.9 - Filing of complaint; notice requirements; entry to secure, stabilize, repair or inspect the property.

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- A. Within ten (10) days of filing a complaint pursuant to the provisions of this chapter, the plaintiff shall file a notice of lis pendens with the county recording officer of the county within which the building is located.
- B. At least thirty (30) days before filing the complaint, the City of Lambertville shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six months and of those criteria that led to a determination of abandonment pursuant to Section 4-17.4.
- C. The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate City of Lambertville officials, the City of Lambertville or its designee will seek to gain possession of the building to rehabilitate the property and the associated cost shall be a lien against the property, which may be satisfied by the sale of the property, unless the owner applies to the court for reinstatement of control of the property as provided in Section 4-17.16. After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.
- D. After serving the notice of intent pursuant to subsection B of this section, the City of Lambertville or its designee may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the court pursuant to Section 4-17.12.

Section 4-17.10 - Property owner's defense against complaint; requirements.

- A. Any owner may defend against a complaint filed pursuant to Section 4-17.7 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to one hundred twenty-five (125) percent of the amount determined by the public officer or the court to be the projected cost of rehabilitation. Any plan submitted by an owner to defend against a complaint shall be submitted within sixty (60) days after the complaint has been filed, unless the court provides the owner with an extension of time for good cause shown.
- B. A plan submitted by an owner pursuant to this section shall include, but not be limited to the following:
 - 1. A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
 - 2. A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
 - 3. A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
 - 4. Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.
- C. Approval of Plan.

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1. The court may approve any plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property which is the subject of the complaint.
2. If the court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the City of Lambertville may apply to the court to have the owner's bond forfeited, possession of the building transferred to the City of Lambertville to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.
3. The owner shall provide quarterly reports to the City of Lambertville on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the court on its activities that the court determines are necessary.
- D. The court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

Section 4-17.11 - Owner unsuccessful in defending against complaint; mortgage or lien holders to be designated in possession of property.

- A. If an owner is unsuccessful in defending against a complaint filed pursuant to Section 4-17.7, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in Section 4-17.10. The plan shall be submitted within sixty (60) days after the court has rejected the owner's plan, unless the court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the court approves any such mortgage holder or lien holder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the public officer to act as monitor of the party's compliance.
- B. The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the court and the City of Lambertville on its activities and progress toward rehabilitation and reuse of the property.
- C. If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the public officer shall notify the court, which may order the bond forfeit, grant the City of Lambertville possession of the property, and authorize the City of Lambertville to use the proceeds of the bond for rehabilitation of the property.
- D. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property pursuant to subsection A of this section, including court costs and reasonable attorney's fees, may be added to the unpaid balance due that mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.

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Section 4-17.12 - City of Lambertville to be designated in possession of property; submission of plan to court.

- A. Pursuant to the provisions of N.J.S.A. 55:19-89, if no mortgage holder or lienholder meets the conditions of Section 4-17.11, then the City of Lambertville shall submit a plan to the court which conforms with the provisions of Section 4-17.10. The plan shall designate the entity which shall implement the plan, which may be the City of Lambertville or that entity designated in accordance with the provisions of Section 4-17.13.
- B. The court may grant the City of Lambertville possession of the property if it finds that:
 - 1. The proposed rehabilitation and reuse of the property is appropriate and beneficial;
 - 2. The City of Lambertville is qualified to undertake the rehabilitation and reuse of the property; and
 - 3. The plan submitted by the City of Lambertville represents a realistic and timely plan for the rehabilitation and reuse of the property.
- C. The City of Lambertville shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the court. In making its findings pursuant to this section, the court may consult with qualified parties, including the department of community affairs, and, upon request by a party in interest, may hold a hearing on the plan.
- D. Where either a redevelopment plan, pursuant to N.J.S.A. 40A:12A-1 et seq., or a neighborhood revitalization plan, pursuant to N.J.S.A. 52:27D-490, et seq., has been adopted or approved by the department of community affairs, as appropriate, encompassing the property which is the subject of a complaint, the court may make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

Section 4-17.13 - Exercise of rights to further rehabilitation and reuse of property; designation of qualified rehabilitation entity.

- A. The City of Lambertville may exercise its rights under the provisions of this chapter, directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising its rights where that designation will further the rehabilitation and reuse of the property consistent with municipal plans and objectives. This designation shall be made by the mayor of the City of Lambertville, who may delegate this authority to the public officer.
- B. Regardless of whether the City of Lambertville exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to the provisions of this chapter, the City of Lambertville shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the City of Lambertville's possession of the property, nothing in this chapter shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

Section 4-17.14 - City of Lambertville deemed possessor of property; borrowing of funds; reporting and filing requirements.

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- A. If the City of Lambertville has been granted possession of a property pursuant to Section 4-17.12, the city shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.

For the purposes of any state program of grants or loans, including but not limited to programs of the department of community affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.

Notwithstanding the granting of possession to the City of Lambertville, nothing in this chapter shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other municipal liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession.

The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

- B. Pursuant to the provisions of N.J.S.A. 55:19-91, the court may approve the borrowing of funds by the City of Lambertville to rehabilitate the property and may grant a lien or security interest with priority over all other liens or mortgages other than municipal liens. Pursuant to the provisions of N.J.S.A. 55:19-91, prior to granting this lien priority, the court may find the following:
1. That the City of Lambertville sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms;
 2. That the City of Lambertville sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination;
 3. That lien priority is necessary in order to induce another lender to provide financing on reasonable terms;
 4. Pursuant to the provisions of N.J.S.A. 55:19-91, no lien authorized by the court shall take effect unless recorded in the Hunterdon County Clerk's Office. For the purposes of this section, the cost of rehabilitation shall include reasonable non-construction costs, including, but not limited to legal fees, engineering fees, architectural fees or construction permit fees customarily included in the financing of the rehabilitation of residential property.
- C. Pursuant to the provisions of N.J.S.A. 55:19-91, where the City of Lambertville has been granted possession by the court in its name, the City of Lambertville may seek the approval of the court to assign its rights to another entity, which approval may be granted by the court when it finds that: (1) the entity to which the City of Lambertville's rights will be assigned is a qualified rehabilitation entity; and (2) the assignment will further the purposes of this section.
- D. Pursuant to the provisions of N.J.S.A. 55:19-91, where the City of Lambertville has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the City of Lambertville on its activities and progress toward rehabilitation and reuse of the property. The City of Lambertville or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the City of Lambertville or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of

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possession, then the court may request the City of Lambertville to designate another qualified rehabilitation entity to exercise its rights, or if the City of Lambertville fails to do so, may terminate the order of possession and return the property to its owner.

- E. Pursuant to the provisions of N.J.S.A. 55:19-91, the City of Lambertville shall file a notice of completion with the court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the City of Lambertville has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

Section 4-17.16 - Petition for reinstatement of control and possession by owner.

Pursuant to the provisions of N.J.S.A. 55:19-92, an owner may petition for reinstatement of the owner's control and possession of the property at any time after one year from the grant of possession, but no later than thirty (30) days after the City of Lambertville has filed a notice of completion with the court or, in the event the notice of completion is filed within less than one year of the grant of possession, within thirty (30) days after the City of Lambertville has filed notice.

Pursuant to the provisions of N.J.S.A. 55:19-92, the court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the City of Lambertville, or affect any of the terms or conditions under which the City of Lambertville has applied for or received financing for the rehabilitation of the property.

Section 4-17.17 - Contents of petition; filing and payment requirements.

Any petition for reinstatement of the owner's control and possession of the property filed pursuant to Section 4-17.16 of this chapter shall:

- A. Include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;
- B. Provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the City of Lambertville or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
- C. Be accompanied by payment equal to the sum of (1) all municipal liens outstanding on the property; (2) all costs incurred by the City of Lambertville in bringing action with respect to the property; (3) any costs incurred by the City of Lambertville not covered by grants or loans to be assumed or repaid pursuant to this section; and (4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the clerk of the court pending disposition of the petition.

Section 4-17.18 - Obligations of owner prior to grant of petition.

- A. Prior to the granting of a petition on the part of the owner by the court pursuant to Section 4-17.16, pursuant to the provisions of N.J.S.A. 55:19-94, the owner may be required to post a

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bond or other security in an amount determined by the court, after consultation with the public officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the City of Lambertville to make any repair on the property in the event of a code violation which is not corrected in timely fashion by the owner. The bond or other security may be forfeited in full in the event that the owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to Section 4-17.16.

- B. Pursuant to the provisions of N.J.S.A. 55:19-94, the owner may seek approval of the court to be relieved of this requirement after five years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

Section 4-17.19 - Failure of owner to petition for reinstatement of control and possession of property; granting of title to City of Lambertville; authority to sell.

Pursuant to the provisions of N.J.S.A. 55:19-95, if the owner fails to petition for the reinstatement of control and possession of the property within thirty (30) days after the entity in possession has filed a notice of completion or in any event within two years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the court in granting a reinstatement petition filed pursuant to Section 4-17.16, upon petition from the entity in possession, the court may grant the City of Lambertville title or authorize the City of Lambertville to sell the property, subject to the provisions of Section 4-17.20.

Section 4-17.20 - Procedure of City of Lambertville seeking to gain title to property; authorization to sell; proceeds.

- A. Pursuant to the provisions of N.J.S.A. 55:19-96, where the City of Lambertville seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the court shall approve, and may place the proceeds of sale in escrow with the court.
- B. The court may authorize the City of Lambertville to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in Section 4-17.21.
- C. The City of Lambertville may seek approval of the court to sell the property to a third party when the court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.
- D. Upon approval by the court the City of Lambertville shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the court. The court may order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in Section 4-17.21.

Section 4-17.21 - Distribution of Proceeds.

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The proceeds paid pursuant to Section 4-17.20 shall be distributed in the following order of priority:

- A. The costs and expenses of sale;
- B. Other governmental liens;
- C. Repayment of principal and interest on any borrowing or indebtedness incurred by the City of Lambertville and granted priority lien status pursuant to Section 4-17.22.
- D. A reasonable development fee to the City of Lambertville consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
- E. Other valid liens and security interests, in accordance with their priority; and
- F. The owner.

Section 4-17.22 - Public officer; authority to place lien on property; remedies.

- A. Pursuant to the provisions of N.J.S.A. 55:19-98, the public officer, with the approval of the court, may place a lien on the property to cover any costs of the City of Lambertville in connection with a proceeding under the provisions of this chapter incurred prior to the grant by the court of an order of possession under this chapter, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a municipal lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a municipal lien pursuant thereto.
- B. With the exception of the holding of special tax sales pursuant to Section 4-17.25 of this chapter, the remedies available under this chapter shall be available to the City of Lambertville with respect to any abandoned property, whether or not the City of Lambertville has established an abandoned property list as provided in N.J.S.A. 55:19-55 and whether or not the property has been included on any such list.

Section 4-17.23 - The court's denial of rights and remedies to lienholders and mortgage holders.

Notwithstanding any provision to the contrary in this chapter, pursuant to the provisions of N.J.S.A. 55:19-99, a court may, in its discretion, deny a lienholder or mortgage holder of any or all rights or remedies afforded lienholders and mortgage holders under the provisions of this chapter if the court finds that the owner of a property subject to any of the provisions of this chapter owns or controls more than a fifty (50) percent interest in, or effective control of, the lienholder or mortgage holder, or that the familial or business relationship between the lienholder or mortgage holder and the owner precludes a separate interest on the part of the lienholder or mortgage holder.

Section 4-17.24 - Recourse of the City of Lambertville against individuals or corporations.

With respect to any lien placed against any real property pursuant to the provisions of N.J.S.A. 40:48-2.3 or N.J.S.A. 40:48-2.5, or N.J.S.A. 40:48-2.3a, or any receiver's lien pursuant to N.J.S.A. 2A:42-114, et al., the City of Lambertville shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a ten (10) percent interest or greater if the owner is any other business organization or entity recognized pursuant to law.

Section 4-17.25 - Properties eligible for tax sales; requirements of the City of Lambertville; notice.

The City of Lambertville may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on an abandoned property list established by the City of Lambertville pursuant to section N.J.S.A. 55:19-55. Any such special tax sale shall be subject to the following provisions:

- A. The City of Lambertville shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with municipal plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with municipal plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and such other criteria as the City of Lambertville may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- B. The City of Lambertville may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the City of Lambertville, in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- C. The City of Lambertville may combine properties into bid packages, and require that bidders place a single bid on each package, and reject any and all bids on individual properties that have been included in bid packages;
- D. The City of Lambertville may sell properties subject to provisions that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to subsection A of this section or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the City of Lambertville, and any amount paid by the purchaser to the City of Lambertville at the special tax sale shall be forfeited to the City of Lambertville;
- E. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the City of Lambertville may designate the unsuccessful but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;
- F. In the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the City of Lambertville pursuant to this section, and their interest in the property or properties reverts to the City of Lambertville, the City of Lambertville may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale;

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- G. The City of Lambertville shall provide notice of a special tax sale pursuant to N.J.S.A 54:5-26. The notice shall include any special terms of sale established by the City of Lambertville pursuant to subsection B, C or D of this section. Nothing herein shall prohibit the City of Lambertville from holding a special tax sale on the same day as a standard or accelerated tax sale.

Section 4-17.26 - Eminent domain proceedings; establishment of fair market value.

With respect to any eminent domain proceeding carried out under N.J.S.A. 55:19-56, the fair market value of the property shall be established on the basis of an analysis which determines independently:

- A. The cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs;
- B. The realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood of the City of Lambertville in which the property is located; and
- C. The extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

Section 4-17.27 - Removal of property from abandoned property list.

If a property, which an entity other than the City of Lambertville has purchased or taken assignment from the City of Lambertville of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all municipal taxes and liens due on the property within thirty (30) days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

Section 4-17.28 - Request for property to be placed on abandoned property list.

- A. Any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to N.J.S.A. 55:19-55, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For

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the purposes of this section, "interested party" shall include any resident of the City of Lambertville, any owner or operator of a business within the City of Lambertville or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

- B. Any interested party may participate in any redetermination hearing held by the public officer pursuant to N.J.S.A. 55:19-55. Upon written request by any interested party, the public officer shall provide the party with at least twenty (20) days' notice of any such hearing. The party shall provide the public officer with notice at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

INTRODUCTION AND FIRST READING: September 23, 2021

PUBLIC HEARING AND SECOND READING: October 21, 2021

X. NEW BUSINESS

CAT Presentation: Closson Property

XI. ANNOUNCEMENTS

Council Meetings/Planning & Zoning Board Meetings: October and November Council Meetings, Planning and Zoning Board Meetings will be held at the Lambertville Public School located at 200 North Main Street in the City.

General Election: the November 2, 2021 General Election will be held at the Lambertville Public School for all four districts.

XII. PUBLIC PARTICIPATION

XIII. ADJOURNMENT