



City of Lambertville
Regularly Scheduled Council Meeting
Thursday, November 1, 2022, 6:30 P.M.
Phillip L. Pittore Justice Center, 25 South Union
Street, Lambertville
MINUTES

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 6:30 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act with the notice advertised in the Trenton Times, the meeting schedule was provided to the Trenton Times and the Hunterdon County Democrat, the meeting notice was provided to those on the listserv, department heads, the city engineer and city attorney, and the meeting agenda was posted to the city's website and the bulletin board at city hall. The meeting agenda provides for all action items known at the time of publication and is subject to change. This meeting is being streamed live using the Zoom meeting platform and is being recorded.

ROLL CALL

The City Clerk called the roll as follows:

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

Also present: Cynthia Ege – City Clerk, Lindsay Hansche – Deputy Clerk

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and he asked the members of the public to continue standing for a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad.

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

Mayor Nowick asked for a motion to go into closed session to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

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

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

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).

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

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

ADOPTED: November 1, 2022

Mayor Nowick and City Council convened in Closed Session at 6:31 p.m. with a motion made by Council President Taylor and seconded by Councilman Sanders. An affirmative voice/roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor Nowick and City Council re-convened in regular session at 6:57 p.m. with a motion made by Councilman Sanders and seconded by Council President Taylor. An affirmative voice/roll call vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

RESOLUTIONS

RESOLUTION NUMBER 172-2022: *A Resolution to Authorize the CMFO and Municipal Clerk to File the 2022 Best Practice Inventory*

Mayor Nowick asked for a motion to adopt Resolution Number 172-2022, authorizing the City Clerk and Finance Officer to submit the 2022 Best Practice Inventory.

RESOLUTION NUMBER 172-2022

A Resolution to Authorize the City Clerk to Submit the Best Practice Inventory to the State of New Jersey

WHEREAS, the City Clerk, the Certified Municipal Finance Officer and the City Planner reviewed the Best Practice Inventory for the State of New Jersey; and

WHEREAS, the City discussed the Best Practice Inventory at the regularly scheduled session of October 20, 2022 and the city has achieved a score of 34.

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 City Clerk and CMFO are hereby authorized to submit and certify the Best Practice Inventory to the State of New Jersey.

ADOPTED: November 1, 2022

Councilman Sanders made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

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RESOLUTION NUMBER 183-2022: *Authorizing the Grant Agreement between the City of Lambertville and the State of New Jersey by and for the Department of Environmental Protection Grant Identifier.*

Mayor Nowick read the resolution into the record by title. He asked for a motion to adopt Resolution Number 183-2022 authorizing the NJDEP grant. This is the same grant authorized at the October 20 session, however, DEP required different language.

GRANT AGREEMENT BETWEEN CITY OF LAMBERTVILLE AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER: GOVERNING BODY RESOLUTION The governing body of THE City of Lambertville desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$37,000 to fund the following project: 2022 NJUCF Stewardship Grant-Resiliency Planning. Therefore, the governing body resolves that Andrew J. Nowick or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official) a grant agreement with the State for a grant in an amount not less than 00.00 and not more than \$37,000.00 , and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations. *The Mayor and Council authorizes and hereby agrees to (print name of Grantee's governing body, e.g., board of chosen freeholders) match 20%% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in kind services (if allowed by grant program requirements and the agreement).* The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Councilman Sanders made the motion. Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 184-2022: *A Resolution Authorizing the City of Lambertville to Accept the Subgrant Award of the Federal Fiscal Year 2022 of Emergency Management Performance Grant and Emergency Management Agency Assistance*

Mayor Nowick read the resolution into the record by title. He informed the members of the governing body that this is for the OEM grant.

RESOLUTION NUMBER 184-2022

Resolution Authorizing the City of Lambertville to Accept the Subgrant Award of the Federal Fiscal Year 2022 of Emergency Management Performance Grant and Emergency Management Agency Assistance

WHEREAS, the City of Lambertville Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant ANF#97.042, Subgrant Award #FY22-EMPG-EMAA-1017 from the New Jersey Department of

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Law and Public Safety, Office of Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Lambertville will use these fund to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period if from July 1, 2022 to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the City of Lambertville Office of Emergency Management designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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:

1. That the Council accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

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

ORDINANCES – SECOND READING

ORDINANCE NUMBER 31-2022: *Ordinance Of The City Of Lambertville Granting Permission To Jersey Central Power & Light Company To Place Certain Overhead Facilities On Existing Utility Poles Owned And/or Occupied With Existing Permission By Jersey Central Power & Light Company And Located Within The City Of Lambertville Right-Of-Way On Ferry Street*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this was an oversight by one of the boards and is required for the new properties on Ferry Street to connect to electric.

ORDINANCE NUMBER 31-2022

Ordinance Of The City Of Lambertville Granting Permission To Jersey Central Power & Light Company To Place Certain Overhead Facilities On Existing Utility Poles Owned And/or

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Occupied With Existing Permission By Jersey Central Power & Light Company And Located Within The City Of Lambertville Right-Of-Way On Ferry Street

WHEREAS, the City of Lambertville (the “City”) received correspondence from the property owner of 39 Ferry Street, LLC (the “Owner”), designated as Block 1045, Lot 4 on the tax maps of the City and more commonly known as 39 Ferry Street (the “Property”), on behalf of Jersey Central Power & Light Company (“JCP&L”), requesting that the City grant permission to JCP&L to attach certain utility line facilities to certain existing poles located in the City right-of-way near and adjacent to the Property to provide electric service to Owner; and

WHEREAS, JCP&L desires to attach 1/0 ACSR primary, 1/0 TPX secondary, overhead transformer and related equipment (“New Lines”) to three (3) existing poles owned and/or occupied with existing permission by JCP&L; and

WHEREAS, the three (3) existing poles, which are owned and/or occupied with existing permission by JCP&L, are currently identified as BT70033L, NJ245L, and BT70034L and are located on Ferry Street in the City (“Existing Poles”); and

WHEREAS, the Owner has requested permission from the City for JCP&L to attach its New Lines to the Existing Poles because the Owner has requested electric service from JCP&L and JCP&L requires the Owner to obtain City approval as a condition of providing electric service in accordance with JCP&L’s Tariffs; and

WHEREAS, the Owner’s request has been reviewed by the City’s relevant professionals and the Owner has confirmed, to the best of the Owner’s knowledge, the following:

- (1) the New Lines are being requested for JCP&L’s use, as a public utility, for the provision of electric service;
- (2) the installation of the New Lines by JCP&L, which will include approximately 37 feet of lines, but no less than no less than 18.5 feet, will meet the requirements of the City Code of Ordinances;
- (3) as installed, the New Lines will not interfere with other JCP&L’s facilities as currently located on the Existing Poles; (4) as installed, the New Wires will not cause interference with other existing JCP&L signals; and (5) the alternates to such placement, which include installing underground wires, are not available here based on existing facilities and Board of Public Utilities voltage requirements.

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

Section 1. Grant of Permission.

The Governing Body hereby grants permission and consents to the non-exclusive use of the City’s right-of-way for the installing, operating, maintaining, improving, renewing, inspecting, replacing, repairing, relocating, improving, and removing the New Lines across, along the Existing Poles the New Lines. The Governing Body hereby further grants permission and consents to JCP&L the right to trim, remove, clear, keep clear, and otherwise control any or all trees or vegetation that may interfere or threaten with construction, operation, maintenance, or repair of the New Lines.

Section 2. Condition of Grant of Public Street Rights-of-Way.

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The non-exclusive grant provided to JCP&L by the City shall in no way prevent or prohibit the City from using any of its roads, streets or other public properties or affect its jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, and/or dedication of same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-ways, thoroughfares and other public properties of every type and description.

Section 3. Location of Facilities.

The New Lines to be attached to the Existing Poles in the public right-of-way along Ferry Street in the City and shall be attached at no cost to the City.

Section 4. Work in the Rights-of-Way.

All work involved in attaching the New Lines by JCP&L, shall be in conformance with all applicable laws, ordinances, rules, regulations and requirements.

Section 5. Payment of Reasonable Costs.

The Owner shall compensate the City for its reasonable costs, not to exceed \$2,500.00, incurred for its professional, legal and engineering work and review and other reasonable costs and services rendered by the City in connection with the Owner's request, pursuant to N.J.S.A. 54:30A-124.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

INTRODUCED FOR FIRST READING: October 20, 2022

SECOND READING AND PUBLIC HEARING: November 1, 2022

Mayor Nowick opened the public hearing for Ordinance Number 31-2022 and he asked for Council comments. Hearing no Council comments, Mayor Nowick asked for public comments.

Audrey Byrnes of Ferry Street questioned the notice process. The City Clerk informed her that the notice was placed in the October 24, 2022 edition of the Trenton Times. Ms. Byrnes asked that the residents be notified prior to the work being completed because some of them work from home. Mayor Nowick said he would follow up with Mr. Salvatore.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 31-2022. Councilwoman Lambert made the motion to close the public hearing. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 31-2022 on second reading, granting final approval. Councilman Sanders made the motion. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES CURRENTLY IN DRAFT FORM:

ORDINANCE NUMBER XX-2022: An Ordinance to Revise the Lambertville City Code, 2014, Chapter XX, Flood Damage Prevention, Incorporating the Mandated Higher State

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Standards Found in the Flood Hazard Area Control Act. See 08-19-2022 Letter from NJDEP.

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

Amendments include:

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City Code, 2014, Addition Provisions for Film and Media.*

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City*

ORDINANCE NUMBER XX-2022: *An Ordinance to Amend the Lambertville City Zoning Ordinances, Application Fees and Escrow Deposits*

APPOINTMENT TO BOARDS/COMMISSIONS

Library Board: Mayor Nowick nominated Kathleen Jones Harris to serve on the Lambertville Free Public Library Board for a term expiring 12/31/2025. Council President Stegman made a motion to confirm Mayor Nowick's nomination. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

DISCUSSION ITEMS

Mayor Nowick gave an update on the following projects:

CLOSSON PROPERTY: RFEI for the Farm Market is due 11-04-2022. The city has received one response to date.

CLOSSON PROPERTY RFP – Planner: Mayor Nowick and Council President Taylor discussed a request for formal submissions for a planner to help guide the city with potential uses for the Closson property. Mayor Nowick said the council has done amazing work with the process of Closson property to ensure funds are available to determine best use of the property, visioning, public participation and creating a site plan. The draft of the request for proposals is in final review and will be released with a response date of December 2.

NOVEMBER 12, 2022 SITE VISIT – Council members will be making site visits to City-owned properties on Saturday, November 12th. Mayor Nowick has invited the two presumptive new Council members; they will probably join us so we can begin having discussions and planning for next year.

FOOD WASTE/THIRD CAN RFP: The Mayor worked with the members of the Environmental Commission on the Food Waste/Third Can program. The deputy clerk generated surveys to determine interest in the compost program. We have released a request for proposals that

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includes a number of different programs for potential vendors to consider, all of which will be paid for by the participants. There are two additional options including a restaurant pick-up program and collection of lawn waste. Mayor Nowick reported that he is sitting on a panel with Gary Sondermyer at the League Conference about food waste.

D&R CANAL PROJECT: Mayor Nowick reported that he contacted the project people and told them we will table it until the spring. We are not ready to make a decision on the future of the Closson property until we have movement on the site plan. Councilman Sanders commented that moving forward at this time would be like putting the barge before the horse.

VALET PARKING: Mayor Nowick gave a brief overview of the proposal for valet parking. Under the Moon is proposing valet parking on North Union Street. They would pay for two metered spaces directly in front of the restaurant on Fridays, Saturdays, and Sundays. The Valet charges \$20 per car, with no revenue going to the restaurant or to the City. It is a service for the people of Lambertville. Under the Moon will take the lead on the program, having offered to pay for the meters, signs, and the valet. The City Attorney advised that we can do a three month trial and approve it by resolution. This would give the City time to define the program, see what works and what doesn't, and develop an ordinance.

Questions from the Governing Body included:

Do we have to be concerned about another business seeking to implement this type of service or participating? It seems if you are going to offer it for the CBD, would there be a better location that isn't so congested for traffic. Mayor Nowick mentioned that he would be happy to entertain ideas for another location. We have to make sure that the location would not require NJDOT approvals.

What are the benefits aside from customers being dropped off in front of the restaurant? For older and handicapped visitors, it would offer easier access to all of the businesses in the CBD. Mayor Nowick commented that depending on how many people use it, it could increase available parking downtown. Mayor Nowick said he doesn't believe the City would lose out on meter revenue. Church parishioners could also use it when attending services.

Time frame for trial: December to January/February?

How would we measure the trial period's success or deficiencies? The valet company could give us a report with the date, time of day, and the numbers that used the service. The City could talk to restaurant owners to see if they feel it was a benefit. The police department can tell us their experiences with it. We could do a survey to the business listserv and get the opinions of CBD businesses.

The potential route to be used by the valet company was discussed and will need to be defined.

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Council will review existing valet ordinances in other municipalities.

Mayor Nowick will draft a resolution to discuss at the November 17 meeting. The resolution will include a three month trial, establish the rules, and set up a process.

UPDATE ON VARIOUS CONSTRUCTION PROJECTS

Mayor Nowick reported that the construction projects are going very well.

Quarry Street is well under way. Gabion baskets are all the way to the municipal line and so far it looks great.

Kyle Conti has been in Swan Creek, Upper York, working towards 179 – doing great work.

At Hibernia, teams have constructed the wall – they are going quickly, the foundation was poured today, DOT feels like they will be working there for a long time. Very pleased.

Earle will be back next week. They have pulled people out of Lambertville to do other jobs, but will be done by December 2.

Budget hearings will be held on November 10th, available to watch live on Zoom and the recording will be available online afterwards.

PUBLIC PARTICIPATION

Zoom participation: 4 participants.

Councilman Sanders commented that he is looking into EV charging stations and asked if anyone has information to contact him. He thanked Kate Millsaps for her input.

Mayor Nowick asked for a motion to close the public participation section of the meeting. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 8:02 pm with a motion made by Councilman Sanders and seconded by Mayor Nowick. An affirmative voice was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege, CMR, RMC, City Clerk